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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 21, 2000 - Issue 3: Through	December 31, 1999 (Annual)

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rate Setting
- 2) Code Citation: 89 III. Adm. Code 356
- 3) Section Numbers: Proposed Action
 356.30 Amend
 356.40 Amend
 356.50 Amend
 356.70 Amend
 356.80 New
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]; implementing Section 325 ILCS 5/7.16

- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 356 as follows:

In Section 356.40, Cost Information Requirements of Providers, and 356.50, Determining Rate Reimbursement Levels, special provisions for calculating individual rate reimbursement for private agency care rates will be calculated as outlined in current rules except for programs that would receive reductions. These programs will be held harmless at 1999 levels if both the 1998 cost reports and a program budget for Fiscal Year 2000 budget are submitted within 30 days of notice to the program.

If a program files a cost report but not a budget, the rate will not be held harmless and will be adjusted downwards, but in no instance shall the rate be less than 80% of the program's State Fiscal Year 1999 rate. In Sections 356.30, Types of Reimbursement Made by the Department, and Section 356.50, Determining Rate Reimbursement Levels, changes were made in the language associated with setting day care rates to indicate that the Department now pays the rates set by the Department of Human Services.

In Section 356.70, Notice and Appeal of Provider Rates, the appeal process has been rewritten clarifying what may be appealed. Section 356.80, Reimbursement for Program Enhancements, was added to establish a process for changing rates due to program enhancements.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
 Yes

Section Numbers	Proposed Action	Illinois Register Citation
356.40	Emergency Amendment	23 Ill. Reg. 8461, July 6, 1999
356.50	Emergency Amendment	23 Ill. Reg. 8461, July 6, 1999

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

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NOTICE OF PROPOSED AMENDMENT

- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Sue Howell

Office of Child and Family Policy
 Department of Children and Family Services
 406 E. Monroe, Station #65
 Springfield, Illinois 62703-1498
 Telephone: (217) 524-1983
 TDD: (217) 524-3715
 E-Mail: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking affects small businesses that are subject to rate changes by the Department.

B) Reporting, bookkeeping or other procedures required for compliance: Besides preparing and submitting in writing a request for program enhancement, there are no additional costs to small businesses.

C) Types of professional skills necessary for compliance: Clerical

- 13) Regulatory Agenda on which this rulemaking was summarized: The amendments regarding rate reimbursement determination and rate appeals were in the January 1999 Regulatory Agenda. Reimbursement for program enhancements was not foreseen.

The full text of the proposed amendment begins on the next page.

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 356
RATE SETTING

- Section 356.1 Purpose (Renumbered)
- 356.2 Definitions (Renumbered)
- 356.3 Types of Reimbursement Made by the Department (Renumbered)
- 356.4 Cost Information Requirements of Providers (Renumbered)
- 356.5 Determining Rate Reimbursement Levels (Renumbered)
- 356.6 Disallowable Costs and Reduced Reimbursement (Renumbered)
- 356.7 Notice and Appeal of Provider Rates (Renumbered)
- 356.10 Purpose
- 356.20 Definitions
- 356.30 Types of Reimbursement Made by the Department
- 356.40 Cost Information Requirements of Providers
- 356.50 Determining Rate Reimbursement Levels
- 356.60 Disallowable Costs and Reduced Reimbursement
- 356.70 Notice and Appeal of Provider Rates
- 356.80 Reimbursement for Program Enhancements

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 5 Ill. Reg. 324, effective December 29, 1981; amended at 6 Ill. Reg. 11851, effective September 30, 1982; amended at 10 Ill. Reg. 11432, effective July 1, 1986; amended at 11 Ill. Reg. 675, effective January 2, 1987; amended at 11 Ill. Reg. 7255, effective April 15, 1987; amended at 18 Ill. Reg. 11512, effective July 8, 1994; emergency amendment at 20 Ill. Reg. 9265, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14390, effective November 1, 1996; emergency amendment at 23 Ill. Reg. 8461, effective July 6, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

Section 356.30 Types of Reimbursement Made by the Department

- a) The Department will reimburse providers through payments made according to standard reimbursement levels and through reimbursement levels which are specifically negotiated through contract. The Department shall notify the provider in writing of the reimbursement rate.
- b) Reimbursement according to rate reimbursement levels.
 - 1) The Department shall adopt the rates promulgated by another state agency where that agency is the primary purchaser of service. This shall include hospitals, nursing homes, community living

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 356
RATE SETTING

- 2) The Department shall calculate standard rates in accordance with Section 5a of the Children and Family Services Act [20 ILCS 505/5a]. This calculation will consider the minimum wage law, U. S. Department of Agriculture cost statistics, the age of the children to be served, the nature of the children's service needs, the experience and background of the individual provider, and the type of service provided. Reimbursement rates for these providers are set by the Department utilizing market surveys and independent cost analyses in order to arrive at a reasonable cost for specific units of service unless otherwise specified in this Part. Services for which the Department shall calculate standard rates include, but are not limited to, agency foster care and agency adoption services, and day-care.
- 3) The Department shall calculate individual program rates for child care institutions, group homes, independent living arrangements and maternity centers subject to the provisions of Section 356.50.
- c) Reimbursement according to negotiated contracts. Agencies that who provide services which reflect a significant variance in the type of service and type of client are reimbursed according to reasonable cost standards as established by the Department's approved rate methodology. See Section 356.50.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 356.40 Cost Information Requirements of Providers

- a) Cost Reporting - The Department shall require the annual filing of a certified cost report on a schedule provided by the Department. The time period covered by the cost report shall correspond to the Department's fiscal year unless otherwise approved by the Department. The Department may designate cost reports filed by the provider with other state agencies as suitable for fulfilling this requirement when those reports provide all of the information needed by the Department in a clear and usable way. Cost reports shall be available to the general public upon written request. The Department will immediately notify a provider of any requests for its cost reports. No cost report will be released sooner than two weeks from the date the provider was notified of the request. The reports will be provided at cost.
- b) Accrual Accounting - The provider shall use the accrual basis of accounting when reporting financial data.
- c) Audits - Providers shall cooperate in any audits undertaken to verify the truth, accuracy, and completeness of reported costs, in accordance with 89 Ill. Adm. Code 434, Audits, Reviews, and Investigations.
- d) Total Costs - Providers must report all costs of service and must

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disclose their total costs. Supporting documentation will be required to verify the costs allocated to each of the various services the Department purchases and to the sum of other services the agency provides. The reported total cost must be certified by a licensed public accountant, ~~an independent, certified auditor.~~

- e) Historical Costs - Historical costs will be established when the provider has operated one or more years and independent auditors concur with the reported total costs. New providers who have not established their historical costs shall be permitted to submit budgeted information for the first fiscal reporting period. However, no rate increases shall be authorized for the next fiscal year until audited historical costs are available. When the rate increase is authorized based on historical costs, it will coincide with the effective date of the contract if the audit is received in accordance with contractual requirements.

- f) Other Information Required - As a condition of contract issuance or renewal, the Department will request and ~~shall~~ receive promptly any other financial information, reasonably related to rate determination, needed to determine the provider's costs. For determining State Fiscal Year 2000 rates, this may include submission of program budgets.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 356.50 Determining Rate Reimbursement Levels

This Section applies to those situations where the Department promulgates standard or individual rates identified in Section 356.30(b)(2) and (3).

- Forms - Financial reporting forms shall be used in establishing rates of reimbursement, regardless of the type of service provided.
- For-Profit Agencies - Contracts with for-profit agencies must clearly identify any profit factor which must directly correspond to units of services provided. Profit will be categorized as an administrative cost and will be limited to nine percent of the total contract amount. Profit will also be included in calculating the overall administrative cost standard.
- Reasonable Cost Standards - Reasonable cost standards shall be applied to certain categories of costs except that program and transportation costs may be exempted if warranted by the special needs of the clientele. The reasonable cost standards establish reimbursement ceilings for categories of costs. The standards are derived from the median costs of all agencies providing similar services. Fringe benefits above 25 percent of salaries shall not be reimbursed by the Department. Administrative costs may not exceed 20 percent of the costs for other services. Reimbursement may exceed the reasonable cost standards if a higher rate is negotiated as a result of a rate appeal or rate enhancement that clearly demonstrates that costs in

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excess of the standards are the result of a necessary level of resources purchased in a prudent manner. However, administrative costs may not exceed 20 percent of the costs of other services.

- d) Revenues to be Offset - Revenues to be offset shall include grants, other non-purchase-of-service revenue from other governmental agencies, revenues from the school lunch program, and revenues from local education agencies. All revenues to be offset shall be reported by the provider. These revenues will be considered as part of the resources available to the provider in determining reasonable costs. The Department will not reimburse a provider for the proportion of services or administrative charges that have been paid, wholly, or in part, by such revenues.

- e) Units of Service and Provider Capacity - Reimbursement rates shall be determined on the basis of actual units of service provided or the median utilization for all agencies providing similar services, whichever is greater. However, significant deviations from the utilization level may be used in rate-setting if unusual circumstances beyond the control of the provider directly caused a significant change in occupancy rates.

- f) Special Provisions for Calculating Individual Rate Reimbursement including Child Care Institutions, Group Homes, Maternity Centers, and Shelter Programs - For State Fiscal Year 2000+1997 (from July 1, 1999 1996 through June 30, 2000 1997), the rates for all child care institutions, group homes, maternity centers, independent living, specialized foster care, treatment foster care and shelter programs will be calculated as outlined previously except that programs that would receive reductions will be held harmless at State Fiscal Year 1999 levels if both 1998 cost reports and a program budget for State Fiscal Year 2000 are submitted within 30 days after notice to the

program. ~~contracting--with--the--Department--of--Children--and--Family Services--will--receive--a--three--per--cent--cost--of--living--adjustment--based upon--the--payment--rate--which--was--being--received--as--of--June--30--1996-- If a program fails to submit a cost report within the 30-day period, the rate will be adjusted to 80% of the applicable State Fiscal Year 1999 rate. If a program files a cost report but not a budget, the rate will not be held harmless and will be adjusted downward based on the rate calculation methodology. This rate adjustment for State Fiscal Year 2000+1997 applies regardless of the other provisions of this part.~~

- The Department will conduct a joint rate calculation with the Illinois Department of Mental Health and Developmental Disabilities.
- Reimbursement rates shall be determined on the basis of actual units of service provided, or the median utilization level for all similar providers, whichever is greater. The maximum utilization level that will be used to determine reimbursement rates shall be 98 percent of licensed or approved program capacity. For the purpose of establishing the median utilization level, residential programs will be grouped into two categories:

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- A) Child Care Institutions and Group Homes; and
 B) Maternity Homes and approved Shelter programs.
- 3) The reasonable cost standards for support and ownership costs shall be 120 percent of the median costs of all similar providers. Providers shall be deemed dissimilar, and subject to an adjusted cost standard if one or more of the following conditions has occurred on or after July 1, 1983:
- A) the provider has built an entirely new building used directly by clients of the program,
 B) the provider has renovated a building used directly by program clients and the annual depreciation and/or interest costs are \$20,000 or more, or
 C) the provider has entered a first-time lease for a building used directly by program clients.
- 4) These costs shall be demonstrated by an annual audit cost report and accompanying notes as prescribed by 89 Ill. Adm. Code 434 (Audits, Reviews, and Investigations). The reasonable cost standards shall include a geographic differential factor to reflect the differences in costs due to geographic location when such cost differentials exist. The existence of such differentials is determined by measurement of the audited costs reported by providers and the application of generally accepted statistical tests to these costs. Any geographic differential factor which results from these tests is included in the Department's rate notices sent to providers.

- 5) Historical costs, except depreciation, interest and amortization of allowable pre-operating expenses shall be increased by inflation adjustment factor to reflect the increases in costs caused by general inflation. The maximum increase in a facility's reimbursement rate shall be 150 percent of the inflation adjustment factor for the most current year. The percentage limitation shall be applied to the most recent rate unless that rate declined due to a combination of both reduced utilization and reduced costs. In such case, the next most recent rate shall be used to determine the allowable maximum increase. This limitation will not be applied to cost increases mandated by regulatory agencies or program changes approved by the Department Director.

- 6) New start programs not having historical costs shall have a rate set via a process which begins with completion of a projected historical cost budget in the same format used to set historical cost rates. The Regional Office developing the contract shall negotiate costs based on a comparison of the budget with levels of staffing generally needed for similar programs; with prevailing wage rates; and with levels of supply, ownership, support and other costs common to similar programs. The Department Office of--Contracts--and--Grants shall review the results and shall engage in further negotiations when an

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examination of submitted data determines an anomaly or disparity in the data in comparison to other data submitted by other providers. A new start rate shall then be set using the reasonable cost standards applying to the particular program under the terms of this part with one exception: To allow for the phase-in placement of clients, the divisor applied to costs will be the greater of:

- A) the number five percentage points lower than the median utilization level applying to ongoing programs of the same type; or
 B) the projected utilization agreed to by the Department and the provider.

- 9) The Department shall pay rates to day care providers equal to those paid by the Department of Human Services to the same facilities for the same levels of care. Special--Provisions--for--Calculation--of--Standard--Rate--Reimbursement--Levels--for--Day--Care--Centers

- 1) Reimbursement--rates--will--be--calculated--from--the--costs--and--utilization--information--presented--in--the--independent--audits--Only reported--costs--of--facilities--under--contract--with--the--Department will--be--considered--for--calculating--reimbursement--rates.

- 2) The--Department--will--calculate--standard--reimbursement--rates--for all--similar--facilities--the--facilities--will--be--separated--into geographic--groupings--that--reflect--the--differences--in--costs--due--to geographic--location--A--standard--reimbursement--rate--will--be calculated--for--each--geographic--grouping.

- 3) A--portion--of--the--fair--market--value--of--donated--goods--and--services will--be--considered--for--the--calculating--of--standard--reimbursement rates--Day--care--centers--are--hereby--excluded--from--the--prohibition of--inclusion--of--the--costs--of--donated--goods--and--services--as--stated in--Section--356-60--B--allowable--Costs--and--Reduced--Reimbursement.

- 4) The--divisor--applied--to--costs--in--order--to--calculate--rates--shall--be the--greater--of--85--percent--of--the--licensed--or--approved--program capacity--or--actual--units--of--service.

- 5) The--Department--may--make--adjustments--to--reported--wage--and--salary levels--if--it--determines--that--they--are--insufficient--to--attract capable--caregivers--in--sufficient--numbers.

- h) Special--Provisions--for--Calculation--of--Standard--Rate--Reimbursement--for Non-Center--Based--Day--Care--Programs

- 1) Reimbursement--rates--will--be--calculated--from--the--results--of separate--market--surveys--completed--on--licensed--non-center--based day--care--programs--and--on--those--not--required--to--be--licensed--For licensed--non-center--based--programs--the--market--survey--will--be conducted--using--a--statistically--valid--random--Statewide--sample--of all--such--programs--For--non-center--based--programs--not--required--to be--licensed--the--statistically--valid--random--sample--will--include an--equal--number--of--providers--who--accept--State--funds--and--those listed--with--the--Statewide--Child--Care--Resource--and--Referral Network--but--not--funded--by--the--State.

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- B) ~~the Department and the provider have reached mutual agreement that it is necessary and/or desirable to adjust the licensed capacity of a facility or program.~~
- E) ~~the Department required substantial program changes as a result of mandated licensing requirements.~~
- B) ~~State and Federal regulatory requirements have generated a substantial increase in reimbursable cost during the current contract year.~~
- B) ~~the provider has recently experienced or expects to experience a substantial decrease in external Government grants which the Department determines seriously limits the ability of the agency to deliver required services to Department clients, to the extent that such revenues were considered available when the Department approved the reimbursable cost of the provider.~~
- e) ~~Effective Date of a Redetermined Rate-----Any redetermination of reimbursable cost rate through appeal must result in a contract amendment. The effective date of any re-established or redetermined rate will reflect the stipulations of the category of appeal as noted in Section 956.70(d)(1) and (2).~~
- ef) Procedures for Filing Appeals - An appeal for an increase in the reimbursable cost shall be submitted in writing to the central office manager responsible for the administration of reimbursement rates Administrator of the Office of Contracts and Grants with a copy to the Lead Regional Administrator.
- 1) An appeal shall include but not be limited to:

- A) Identification of the current approved reimbursable rate cost and the reimbursable costs sought pursuant to the appeal;
- B) a clear, concise statement of the reasons for the appeal;
- C) a detailed statement of financial, statistical and related information in support of the appeal, which indicates the relationship between the additional cost submitted and the change of circumstances or other reasons for the higher cost;
- D) a citation to any statutory or regulatory or contract requirement pertinent to the appeal; and
- E) certification under penalty of perjury by either the chief executive officer or the financial officer of the provider that the application and all the information reports, schedules, budgets, books and records submitted are true, correct and accurate.
- 2) The Department will not accept or process an appeal which does not meet the requirements of this Section. In addition, no appeal can be acted upon unless the provider has filed an acceptable certified audit for the previous fiscal year and has a current signed contract.
- 3) Any documentation submitted in support of this appeal which is

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- subsequent to filing of the appeal, shall contain the same certification described in subsection (e)(1)(E) above.
- fg) Review by the Central Office Manager Responsible for the Administration of Reimbursement Rates Administrator-Responsible-for Contracts-and-Grants
- 1) When a provider has filed an appeal, the central office manager responsible for the administration of reimbursement rates administrator-responsible-for-contracts-and-grants shall acknowledge in writing that an appeal has been received.
- 2) The central office manager responsible for the administration of reimbursement rates administrator-responsible-for-contracts-and-grants will review each appeal for adequacy of documentation and appropriateness of the request. If required for the analysis, the the Lead Regional Administrator shall provide his/her comments and recommendations regarding the appeal within 15 days after receipt.
- 3) The central office manager responsible for the administration of reimbursement rates administrator-responsible-for-contracts-and-grants may request a meeting at a reasonably convenient place with representatives of the provider prior to submission of recommendations to the Director of the Department. The purpose of such meetings shall include:
- A) clarification, formulation, and simplification of issues;
- B) resolution of matters in controversy;
- C) exchange of documents and information;
- D) stipulations of facts so as to avoid unnecessary presentation before the Director of the Department;
- E) identification of all documents which the provider or staff intend to present to the Director; and
- F) such other matters as may aid in the simplification of the evidence and disposition of the issue.
- 4) Within 30 days after receipt by the central office manager responsible for the administration of reimbursement rates administrator-responsible-for-contracts-and-grants, an appeal which has complied with the principles and requirements of this Section, or within 15 days after the scheduled meeting between the central office manager responsible for the administration of reimbursement rates administrator-responsible-for-contracts-and-grants and the provider, whichever is later, the central office manager responsible for the administration of reimbursement rates administrator-responsible-for-contracts-and-grants will make a recommendation to the Director or his designee on this matter.
- gh) Final Decision of the Director - The decision of the Director of the Department shall constitute final action on the appeal. Decision of the Director shall be made within 60 days after receipt of the appeal by the central office manager responsible for the administration of reimbursement rates administrator-responsible-for-contracts-and-grants except that, if the central office manager responsible for the

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administration of reimbursement rates ~~administrator-responsible-for contracts-and-grants~~ requests additional information, the period shall be extended by the time taken in providing that information.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 356.80 Reimbursement for Program Enhancements

a) Any change in rates due to program enhancements submitted for the reasons cited below in relation to current cost impacts, either positive or negative, as a result of the review process, will be reflected in a contract amendment. Under no circumstances will the Department be responsible for enhancements that were implemented outside of the following process:

- 1) The Department and the provider have reached mutual agreement that substantive changes and/or enhancement of the current program are necessary and/or desirable and have been approved by the Director;
- 2) It is necessary and/or desirable to adjust the licensed capacity of a facility or program;
- 3) The Department required substantial program changes as a result of mandated licensing requirements; and
- 4) State and federal regulatory requirements have generated a substantial increase in reimbursable cost during the current contract year.

b) Procedures for Requesting a Program Enhancement

A request shall be submitted in writing to the Administrator of the Region where the program is located with a copy to the central office manager responsible for the administration of reimbursement rates. If needed, the central office manager responsible for the administration of reimbursement rates shall supply, upon request, the name and mailing address of the Lead Regional Administrator. The request shall include, but not be limited to:

- 1) The current approved reimbursable costs and the reimbursable costs sought pursuant to the request;
- 2) A clear, concise statement of the reasons for the request;
- 3) A detailed statement of financial, statistical and related information in support of the request that clearly indicates current outcomes and the relationship between the additional costs submitted and the change of circumstances or other reasons for the higher cost;
- 4) A citation to any statutory, regulatory, or contractual requirement pertinent to the appeal;
- 5) Crucial elements that will be outlined and analyzed for every program enhancement include but are not limited to:
 - A) Summary document or letter explaining the reason for the request for a new rate;

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- B) Certified audit report for most recent provider prior fiscal year;
- C) Consolidated Financial Reports for most recent provider prior fiscal year (reporting all programs);
- D) The new rate being sought;
- E) Data identifying the individual cost of each item for which additional reimbursement is being sought;
- F) Detailed explanation of why the petitioned costs cannot be funded within the current rate;
- G) Beginning date the costs are planned to occur;
- H) Quantifiable programmatic outcomes occurring as a result of a rate change;
- I) Reporting activities that will be implemented to ensure program outcomes occur at committed levels;
- J) Quantification of past program performances for current and preceding 2 fiscal years, including, where applicable:
 - i) Number of children successfully completing program treatment;
 - ii) Rate of children leaving without completion of treatment;
 - iii) Number of incidents of psychiatric hospitalizations;
 - iv) Number of runaways;
 - v) Number of incidences requiring police intervention; and
 - vi) Number of unusual incident reports;
- K) Organization charts reflecting pre-request and post-request staffing;
- L) Certification under penalty of perjury by either the chief executive officer or the financial officer of the provider that the application and all the information reports, schedules, budgets, books and records submitted are true, correct and accurate.

c) Regional Review Process

- 1) Within 30 days after filing a request for enhancements with associated cost increases, the regional contract administrator responsible for administration of the contract shall acknowledge in writing that the request has been received.
- 2) The responsible regional contract administrator will review each request for adequacy of documentation and appropriateness of the request.
- 3) The responsible regional contract administrator may request a meeting. The purposes of the meetings may include:
 - A) Clarification, formulation, and simplification of issues;
 - B) Resolution of matters in controversy;
 - C) Exchange of documents and information;
 - D) Stipulations of facts; and
 - E) Such other matters as may aid in the simplification of the evidence and disposition of the issue.

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d) The decision of the Director of the Department shall constitute final action. Decision of the Director shall be made within 150 days after the enhancement request.

e) Rate Setting for Approved Program Enhancements

A summary of enhancements and costs approved by the Director of the Department shall be forwarded to the central office manager responsible for the administration of reimbursement rates. The central office manager responsible for the administration of reimbursement rates will determine, based on standard Department rate setting methodology, the change to the reimbursable unit costs.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Household Goods Carriers

2) Code Citation: 92 Ill. Adm. Code 1457

3) Section Numbers: Proposed Action:

1457.10	New
1457.20	New
1457.30	New
1457.40	New
1457.50	New
1457.60	New
1457.80	New
1457.90	New
1457.100	New
1457.110	New
1457.120	New
1457.130	New
1457.140	New
1457.150	New
1457.160	New
1457.200	New
1457.210	New
1457.220	New
1457.230	New
1457.240	New
1457.300	New
1457.310	New
1457.320	New
1457.330	New
1457.340	New
1457.400	New
1457.405	New
1457.410	New
1457.415	New
1457.420	New
1457.425	New
1457.430	New
1457.435	New
1457.440	New
1457.450	New
1457.455	New
1457.560	New
1457.465	New
1457.470	New
1457.475	New
1457.480	New
1457.485	New
1457.490	New

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1457.495 New
 1457.500 New
 1457.510 New
 1457.520 New
 1457.530 New
 1457.600 New
 1457.610 New
 1457.620 New
 1457.630 New
 1457.640 New
 1457.650 New
 1457.660 New
 1457.700 New
 1457.710 New
 1457.720 New
 1457.730 New
 1457.740 New
 1457.800 New
 1457.900 New
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 1457.950 New
 1457.960 New
 1457.970 New
 1457.1000 New
 1457.1010 New
 1457.1020 New
 1457.1030 New
 1457.1100 New
 1457.1110 New
 1457.1120 New
 1457.1130 New
 1457.1200 New
 1457.1210 New
 1457.1220 New
 1457.1230 New
 1457.1300 New
 1457.1400 New

4) Statutory Authority: Implementing Sections 18c-1202 and 18c-1207 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-1207].

5) A. Complete Description of the Subjects and Issues Involved: This rulemaking proposes a new Part which will establish new regulations regarding the entry, exit and services of household goods carriers, and

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which will consolidate all existing regulations regarding rates, practices, systems of accounting and reporting, leasing and safety and insurance standards for household goods carriers.

- 6) Will these proposed Rules replace emergency Rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Kathy Campbell
 Illinois Commerce Commission
 527 East Capitol Avenue
 P.O. Box 19280
 Springfield IL 62794-9280
 217/785-1018

Comments should be filed within 45 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect those household goods movers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: These rules require that household goods movers maintain their accounting and financial records in accordance with Generally Accepted Accounting Principles.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the rulemaking was not anticipated at the time the agenda was compiled.

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The full text of the Proposed Rules begins on the next page:

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TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1457

HOUSEHOLD GOODS CARRIERS

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1457.60

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Petitions for Leave to Intervene
Application for Permanent Household Goods Authority
Emergency Temporary Household Goods Authority Application
Transfer of Permanent Household Goods Authority

SUBPART B: FITNESS STANDARDS

Section
1457.80
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Requirements to Show Fitness
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SUBPART C: INSURANCE OR BOND COVERAGE

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Proof of Insurance or Bond Coverage
Public Liability and Property Damage Coverage
Cargo Damage Coverage
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SUBPART P: CARRIER/AGENT RELATIONSHIPS

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1457.1300 Carrier/Agent Relationships

SUBPART Q: FEES

Section
1457.1400 Filing Fees

AUTHORITY: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATIONS

Section 1457.10 Application for Temporary Household Goods Authority

- a) Application for temporary household goods authority shall be filed on forms provided by the Commission.
- b) Public notice of application for temporary household goods authority shall be published in the official State newspaper and the Certificate of Publication must be received by the Commission no more than 30 days after the application has been filed. The published notice must include the docket number assigned to the application by the Commission.
- c) An application for temporary authority cannot be filed unless an application for permanent authority has been filed or is filed concurrently with the application for temporary authority.
- d) The applicant shall have 60 days from the issuance of the order granting a temporary authority to file the following with the Commission:
 - 1) Rates applicable to the full extent of the grant of temporary authority;
 - 2) If applicable, proof of insurance as required in compliance with the Workers' Compensation Act [820 ILCS 305];
 - 3) Proof of liability insurance, and any cargo and C.O.D. affidavits or bonds/insurance required; and
 - 4) Payment of franchise fees for each truck to be operated under the

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- e) Failure to submit the above within the specified 60 day period will result in the order granting the temporary authority being vacated and the application being dismissed.
- f) Temporary authority shall not be granted unless the application and the evidence presented at hearing demonstrate that a public need exists for the requested service and that the applicant is fit, willing, and able to provide the service requested.
- g) Fitness shall be determined in accordance with the provisions of Subpart B of this Part.
- h) In determining whether a public need exists for the requested service the Commission shall consider demographic statistics, supporting shipper testimony, or any other evidence presented that is material and relevant.
- i) An applicant may operate as a household goods carrier under a temporary authority for up to one year after the service date of the order granting temporary authority. During that year of operation, the temporary authority holder shall be subject to:
 - 1) A compliance audit conducted by the Commission;
 - 2) A review of any and all consumer complaints against the temporary authority holder.
- j) If violations of the rules and regulations of the Commission are found in either the compliance audit or the consumer complaint review conducted under subsection (i) of this Section, notice of revocation shall be sent to the temporary authority holder.
 - 1) The temporary authority holder shall have 30 days from the service date of the notice of revocation to submit a written request to the Commission for:
 - A) A six month extension of its temporary authority to allow opportunity to come into compliance with the rules and regulations of the Commission; or
 - B) A formal hearing regarding the allegations of violations.
 - 2) A temporary authority holder shall be allowed only one six-month extension of its temporary operation authority.
 - A) During the six-month extension, the Commission will conduct a compliance audit of the temporary authority holder and a review of consumer complaints against the temporary authority holder.
 - B) The six-month extension shall terminate six months after the date granting the extension.
- k) A temporary authority shall be converted to a permanent authority after one year if the authority holder is found to have operated in compliance with the rules and regulations of the Commission.

Section 1457.20 Notice of Application for Permanent Household Goods Authority

- a) When public notice of an application is required by the Illinois Commercial Transportation Law (Law) [625 ILCS 5], notice shall be

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given by publication in the "official newspaper" designated by the Department of Central Management Services. The notice must state the docket number assigned by the Commission and must be on the publication of notice form provided by the Commission.

b) An applicant shall be directed to republish notice of an application when the original publication failed to give notice to the public of the nature and extent of the proposed operations or when the publication was not in compliance with the Section.

c) Each applicant shall obtain from the official newspaper a certificate of publication certifying that the notice has been published and showing the contents of the notice and the date of publication. The applicant shall file the certificate with the Commission. A hearing on the application shall not commence until the certificate of publication has been filed.

Section 1457.30 Petitions for Leave to Intervene

a) Petitions for leave to intervene in opposition to applications under the Law must be filed within 15 days after the publication of the notice of application.

b) The petition must allege facts that show that:

- 1) The petition is filed within 15 days after the publication of the notice of application.
- 2) The petitioner has standing to intervene pursuant to Section 18c-2106 of the Law [625 ILCS 5/18c-2106].

c) A petition to intervene shall be granted when the petition is filed within 15 days after the publication of notice of application and when the petitioner has standing to intervene pursuant to Section 18c-2106 of the Law.

Section 1457.40 Application For Permanent Household Goods Authority

a) Application for permanent household goods authority shall be filed on forms provided by the Commission and must be accompanied by the following:

- 1) The required fee specified in Subpart Q;
- 2) The names and addresses of all shippers who intend to support the application;
- 3) If an Illinois corporation, a copy of the articles of incorporation, or, if a foreign corporation, the certificate of authority to do business in Illinois.

b) Permanent authority shall not be granted:

- 1) Unless the applicant has met all of the requirements of Section 1457.10 of this Part; and
- 2) Until the applicant has operated for one year in compliance with the rules and regulations of the Commission under a temporary authority granted by the Commission.

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Section 1457.50 Emergency Temporary Household Goods Authority Application

a) Applications for emergency temporary household goods authority shall be filed on forms provided by the Commission and shall be accompanied by:

- 1) The required fee specified in Subpart Q; and
 - 2) Evidence that an urgent and immediate public need exists for the requested service.
- b) Applications received that have not been completed or that are not accompanied by the items specified in (a)(1) and (2) above shall be returned to the applicant.

c) Applications for emergency temporary authority shall not be granted unless the application demonstrates that there is an urgent and immediate need for the authority requested. An urgent and immediate need shall exist if a natural disaster, or other circumstance, has created a need for transportation service that would not exist in the absence of the disaster or circumstance.

Section 1457.60 Transfer of Permanent Household Goods Authority

a) Application for Transfer of Permanent Household Goods Authority Generally

- 1) Except as otherwise provided in this Part, transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.

- 2) Every transfer application shall be on the Illinois Commerce Commission's (Commission) Transfer Application Form.

- 3) In all transfers allowed under this Part, whether hearing or non-hearing, the authority transferred shall be converted from a permanent household goods authority to a temporary household goods authority subject to the requirements of Section 1457.10 and Subparts B and C of this Part.

b) Transfers Involving Immediate Family

- 1) Transfers to members of the transferor's "immediate family" shall be permitted without hearing only where the relationship between transferor and transferee is one of the following:

- A) Husband-Wife;
- B) Parent-Child (natural or legally adopted child); or
- C) Sibling-Sibling.

- 2) Other uses of the term "immediate family." When used in relation to a transaction other than a transfer to a member of the transferor's immediate family, the term "immediate family" includes the person's spouse, parents, children, and siblings.

c) Transfers from One Corporation to a Related Corporation

- 1) No transfer shall be approved under Section 18c-4306(7) of the Law if a shareholder of the transferee would acquire a majority or controlling interest unless the same shareholder possessed a majority or controlling interest in the transferor.

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- 2) No transfer shall be approved under Section 18c-4306(4) of the Law unless the transferor corporation is wholly owned by one person or members of one family.
- d) Expedited Household Goods Authority Transfers
- 1) Except as otherwise provided in this Subpart, expedited transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.
 - 2) Applications for expedited (non-hearing) transfers shall be granted or denied, based upon the information contained in this Part and without oral hearing.
 - 3) The application shall be set for hearing pursuant to 83 Ill. Adm. Code 200 if the application does not qualify for expedited transfer.
 - e) Operations by Fiduciaries Pending Transfer
 - 1) Authority of Fiduciary to Continue Operations. The following fiduciaries shall have authority to continue operations under a license or registration issued by the Commission, pending completion of transfer proceedings, in lieu of the person to which the license or registration was issued:
 - A) Administrators and executors of the estates of deceased holders;
 - B) Conservators or guardians of incompetent holders;
 - C) Provisional directors or custodians of corporations appointed by a court pursuant to Section 12.55 of the Business Corporation Act of 1983 [805 ILCS 5/12.55]; and
 - D) Trustees, receivers, conservators, assignees, or other persons authorized by law to collect and preserve the property of financially disabled, bankrupt, deceased, or incapacitated holders.
 - 2) Authority Does Not Extend to Transfer by Fiduciary. Authority under subsection (e)(1) does not extend to transfers from fiduciaries to other persons or to operations by such other persons pending transfer from the fiduciaries.
 - 3) Required Filings by Fiduciary

A) Notice. Within 30 days after assuming control, the fiduciary must give notice to the Commission:

 - i) Identifying the person to whom the license or registration was issued by full legal name, trade name, and principal business address;
 - ii) Identifying the license or registration by number;
 - iii) Identifying the fiduciary by full legal name, trade name, and mailing address; and
 - iv) Stating the date on which the fiduciary assumed control.

B) Proof of Fiduciary Capacity. If control was assumed pursuant to a court order, a certified copy of the order must be attached. If control was assumed other than by court order, an affidavit of fiduciary capacity must be

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- submitted.
- C) Transfer Application. The fiduciary shall file an application seeking Commission approval of a transfer of the license or registration, either to the fiduciary or to a transferee designated by the fiduciary. If the fiduciary does not file a transfer application within 180 days after assuming control, the fiduciary must file a report with the Commission, not later than the first day of each succeeding month, explaining the failure to file and must prosecute a transfer application. Such factors as court delays, progress in an estate settlement, and legal action against the estate will be considered as justification for failure to file and process a transfer application.
- D) Proof of Insurance. No operations may be conducted until the fiduciary has obtained and filed with the Commission proof of insurance coverage for those operations in compliance with Section 18c-4901 or Section 18c-6503 of the Law.
- F) Transfers Not Subject to Commission Approval
- 1) If a merger, acquisition of control, or other transaction that is authorized pursuant to 49 USC 11343 involves one or more motor carriers of property licensed by the Commission, such transaction shall be recognized by the Commission subject to the provisions of subsection (b) of this Section.
 - 2) No license transferred by operation of 49 USC 11343 shall be effective for any purpose unless and until the person to whom the license is being transferred notifies the Commission of the transfer. Notification shall be accomplished by completing and filing the forms obtained from the Commission for this purpose, along with the required fee set forth in Section 1457.1300 of this Part.

SUBPART B: FITNESS STANDARDS

Section 1457.80 Requirements to Show Fitness

- These requirements shall only apply to household goods motor carriers. The applicant shall present clear and convincing evidence that fitness has been established for the issuance of the requested authority.
- a) In determining whether the applicant is fit to operate as a household goods carrier, the Illinois Commerce Commission shall require proof of the following factors:
- 1) The applicant has attended a seminar regarding Commission rules and regulations conducted or approved by the Commission's Compliance Advisory Service;
 - 2) The applicant has obtained a 75% or better passing grade on a written test administered by the Commission that tests the applicant's knowledge of rules and regulations related to the

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requested authority.

- A) The applicant may not take this test more than once in any seven day period.
- B) An applicant may not have more than one partner or controlling stockholder take this test in any seven day period;
- 3) The applicant possesses, or can acquire, equipment and facilities of a type required for the transport of household goods as evidenced by a description, submitted with the application, of the equipment to be used by the applicant in the conduct of intrastate transportation (which shall include equipment that is currently owned by the applicant, leased by the applicant, or is to be otherwise acquired by the applicant);
- 4) The applicant has established a safety, training, and maintenance program, including any policies regarding traffic citations issued against drivers and any refresher/remedial training courses required of drivers;
- 5) The financial condition of the applicant as represented by the completed financial statement (Supporting Document FIS, consisting of balance sheet and projected income statement) included with the application. Evidence will be required at hearing to corroborate the information provided in the financial statement with the information in the shipper support statements;
- 6) Required insurance coverage on file with the Commission including, where applicable, insurance in compliance with the Workers' Compensation Act [820 ILCS 305].
- b) In determining whether the applicant is fit to operate as a household goods carrier, the Commission shall consider the following:
 - 1) The applicant's safety record as evidenced by a certification or record from the Bureau of Motor Carrier Safety of the United States Department of Transportation, the Illinois Department of Transportation, or the appropriate regulatory body of another state, setting forth:
 - A) Any motor carrier safety citations issued against the applicant during the three years preceding application; and
 - B) Whether the file contains any record of any disciplinary action, taken or pending, during the three years preceding application.
 - 2) Any citations or disciplinary actions against the applicant to determine whether a pattern of violations exists and will consider the severity of the violations.
 - 3) The conviction of the applicant of a crime punishable by death or imprisonment in excess of one year under the law under which he/she was convicted, or a crime involving dishonesty or false statement regardless of the punishment. The Commission will consider the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.
 - 4) Whether the applicant is currently, or has been, the subject of

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civil penalty action by the Commission. In determining whether to grant authority to an applicant who is currently, or has been, the subject of prior civil penalty action, the Commission shall consider:

- A) Whether the violations were committed knowingly and willfully;
- B) Whether the violations caused economic harm to authorized carriers;
- C) Whether a pattern of violations exists;
- D) The applicant's cooperation in resolving previous violations; and
- E) Whether the applicant is delinquent in paying a monetary settlement or civil penalty assessed by the Commission.
- 5) Other facts that may bear on the applicant's fitness to hold the license applied for.
- c) For purposes of subsections (a) and (b) of this Section, "applicant" shall mean proprietors, partners, or, in the case of a corporation, anyone holding a controlling interest in the corporation.

Section 1457.90 Continued Fitness Standards

a) Personnel Standards

- 1) No household goods carrier shall permit any driver, helper, and/or packer to be used in the transportation of any used household goods shipment or in the performance of accessorial services unless that person is trained in the movement of household goods.
- 2) No household goods carrier shall knowingly permit drivers, helpers and/or packers to go on duty who are under the influence of alcoholic beverages or liquors of any kind, or narcotics, or habit-forming drugs not prescribed by a physician. Nor shall the use of these substances be allowed while the employees are on duty. Knowledge by the carrier is deemed to exist if known to the foreman or other manager of the crew.

b) Equipment Standards

- 1) Equipment and facilities utilized by a household goods carrier for the transportation of household goods shall be maintained in a manner that is sufficient to protect the goods from damage or breakage. The interior of those vehicles used to transport household goods shipments shall be clean and free from vermin and debris.
- 2) For shipments transported at hourly rates, the household goods carrier shall determine the number of men and the size and the number of motor vehicle equipment that is appropriate to provide safe and timely transportation services for the requested movement. If the carrier deviates from its initial determination as stated in the carrier's written estimate, the shipper shall not be charged for any resulting excess in charges unless the

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shipper is informed and agrees in writing. A notation shall be placed on the bill of lading indicating the number of men and motor vehicles initially estimated and the number actually furnished and used for the move.

c) Advertising Standards

- 1) For purposes of this Section, the term "advertisement" means any advertisement, solicitation, or other communication with the public in relation to the offer or sale of Illinois intrastate household goods transportation service. The term shall include advertisement by radio, television, internet, computer media or any other medium. The term shall not include a simple listing of household goods carriers' names, addresses, and telephone numbers, as in a telephone directory.
- 2) Each household goods carrier shall include, and shall require each of its agents to include, in every advertisement the full name of the originating household goods carrier as it appears on the carrier's license from the Commission. The advertisement shall also identify the carrier by showing the characters "ILL.C.C." followed by the license number assigned to the household goods carrier by the Commission.
- 3) Household goods carriers who are duly authorized agents for other licensed carriers, including carriers operating under the jurisdiction of the Federal Highway Administration, may advertise and represent themselves as such an agent.
- 4) The following advertising practices shall not be conducted by household goods carriers:
 - A) Household goods carriers shall not advertise rates unless the following caveats are included in the advertisement:
 - i) "Rates effective (date), subject to change"; and
 - ii) "Actual charges governed by applicable tariffs, this advertisement notwithstanding";
 - B) Household goods carriers shall not misrepresent the scope of services offered and made available to the public under authority of the license issued by the Commission; and
 - C) Household goods carriers shall not advertise that their operations are conducted at addresses or locations where duly authorized employees are not on duty during all business hours. The location of a telephone answering service does not constitute an address or location where duly authorized employees are on duty.

d) Standards for Forms of Payment

- 1) Household goods carriers shall accept payment tendered in the following forms:
 - A) Cash;
 - B) Cashier's check; or
 - C) Money order.
- 2) A household goods carrier may accept payment in other forms, including personal checks and credit cards, if to do so does not

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result in a practice that circumvents the statutory requirement that a carrier charge no more or less than the rate in the applicable tariff.

- 3) A household goods carrier shall not refuse to accept any ordinary form of payment unless, before rendition of the service, the carrier has advised the shipper, in writing, that it would not accept payment in the form tendered.
- e) Notification of any delay in pickup or delivery shall be given to the shipper by telephone, telegraph, fax, or in person, at the carrier's expense, as soon as it becomes apparent that the delay will occur, provided the shipper has given information sufficient for the communication.
- f) All household goods carriers shall hold themselves out to provide a guaranteed delivery service at the tariff charge. The term "guaranteed delivery" shall mean that a carrier providing service shall perform delivery on a specified date.
- g) No household goods carrier shall accept a shipment of household goods for transportation that is subject to the minimum weight, distance, or time provisions of the carrier's tariff without first having advised the shipper of the minimum weight, distance, or time provisions. Failure to advise the shipper, in writing, of the provisions shall void the minimum rate application.

SUBPART C: INSURANCE OR BOND COVERAGE

Section 1457.100 Licenses Conditioned upon Compliance with Insurance Requirements

A license or registration issued by the Illinois Commerce Commission to a household goods carrier has force and effect only while the carrier is in compliance with requirements for the filing of proof of insurance or bond coverage.

Section 1457.110 Proof of Insurance or Bond Coverage

- a) The Illinois Commerce Commission incorporates by reference 49 CFR 1023.51 through 1023.65, 1023.71, 1023.72, and 1023.81 as of December 1, 1986, no later amendments or additions included, as its regulations governing the filing of proof of insurance or bond coverage of cancellation, except as otherwise provided in this Part.
- b) The filing of proof of insurance or bond coverage shall constitute acceptance of the minimum terms required by this Part or by statute and shall bind the insurance company.
- c) Coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is cancelled by the filing of a subsequent form E or H certificate of insurance.
- d) Regulated interstate motor carriers of property that use Illinois as their registration state shall file a copy of public liability and

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property damage insurance or bond coverage that is filed with the Federal Highway Administration or Interstate Commerce Commission in accordance with the provisions of Section 11506 of the Interstate Commerce Act (49 USC 11506).

- e) For Illinois domiciled carriers, and for Illinois licensed intrastate carriers, regardless of domicile, coverage shall be executed by an admitted insurance company authorized under the laws of the State of Illinois to deliver commercial insurance contracts within the State.

Section 1457.120 Public Liability and Property Damage Coverage

The minimum amounts of public liability and property damage insurance coverage required of all household goods carriers shall be the amounts required by 49 CFR 1043.2, November 13, 1990, "Security for the protection of the public: Minimum limits."

Section 1457.130 Cargo Damage Coverage

- a) The minimum amounts of cargo damage coverage required of all motor common carriers of property shall be as required by the provisions of 49 CFR 1043.2(c), November 13, 1990, except as specified in subsection (b) below.

- b) Waiver of Requirement. A household goods carrier may be excused from the requirement of filing proof of cargo insurance if:

- 1) The carrier has filed with the Commission a completed copy of the Commission's Cargo Insurance Waiver Affidavit for stating that the carrier will not, at any time, carry in any vehicle cargo with a value exceeding \$5,000; and
- 2) The carrier advises each shipper in writing, prior to rendition of the service, that it does not carry the minimum level of cargo insurance. The burden of proving compliance with this latter requirement shall be on the carrier.

Section 1457.140 Collect On Delivery (C.O.D.) Bond Coverage

- a) The minimum amount of C.O.D. insurance or bond coverage required of a household goods carrier for each shipper or consignee for failure of the carrier to remit payment of C.O.D. monies is \$10,000.

- b) Waiver of requirement. A household goods carrier may be excused from the requirement of filing proof of C.O.D. insurance or bond coverage if:

- 1) The carrier has filed with the Commission a completed copy of the Commission's C.O.D. Bond Waiver Affidavit form stating that the carrier will not, at any time, accept a C.O.D. shipment; and
- 2) The carrier advises each shipper in writing, prior to rendition of the service, that it does not accept C.O.D. shipments. The burden of proving compliance with this latter requirement shall be on the carrier.

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Section 1457.150 Shipper Valuation Coverage

- a) A household goods carrier's liability for loss or damage in the absence of a shipper's release, except as provided in subsection (b) is limited to the greater of:
 - 1) Two dollars per pound per shipment times the weight of the shipment in pounds; or
 - 2) The lump sum value declared in writing by the shipper.

- b) The shipper, by his or her own handwriting, may agree to have a shipment valued for loss or damage purposes at 30 cents per pound per article. To release the shipment at 30 cents per pound per article, the shipper must insert the words 30 cents per pound per article and his or her signature on the bill of lading.

Section 1457.160 Shipper Insurance Coverage

- a) Advertisement of Shipper Insurance.

- 1) Limited risk insurance. A household goods carrier, or its employee, agent, or representative, shall not advertise or represent to the public that insurance is provided against all risks, unless its insurance in fact affords protection to the shipper from every peril to which the shipment shall be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement and in any representations to shippers regarding the insurance. Such advertising and representations shall not deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk" policies or by some other appropriate designation that indicates clearly to the shipper that not all risks are covered.

- 2) Prerequisites to advertising insurance. No household goods carrier or employee, agent or representative, shall sell, or offer to sell, or procure for any shipper, any kind of insurance covering the loss of or damage to household goods to be transported by the carrier unless the carrier is in full compliance with the requirements of Article XXI of the Illinois Insurance Code and the rules implementing Article XXXI regarding licensing as a condition precedent to the sale of insurance.

- b) Nothing in this Section shall prohibit a household goods carrier from enrolling its shippers under a master inland marine insurance policy issued to the carrier.

- c) No household goods carrier may charge a shipper for insurance unless the shipper agrees to the insurance, in writing, prior to the move.

- d) Every household goods carrier selling insurance to a shipper must furnish a copy of the insurance policy to the shipper prior to rendition of the service. The insurance policy must include the name, address and telephone number of the insurance company and/or the

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insurance company's agent that the shipper may use in the filing of a claim for loss and damaged goods.

- e) The household goods carrier must keep a copy of the insurance policy as part of its records for the move. An original copy of the insurance policy or certificate is to be filed with the issuing insurance company.

SUBPART D: SELF-INSURANCE

Section 1457.200 Effect of Qualification as Self-Insurer

A carrier that has been authorized by order of the Commission to act as a self-insurer is not required to file proof of insurance or bond coverage under this Part.

Section 1457.210 Minimum Requirements for Self-Insurers

The minimum requirements for a carrier to qualify and continue to act as a self-insurer are:

- a) Net worth of:
 - 1) \$500,000, if the carrier operates less than 25 vehicles;
 - 2) \$750,000, if the carrier operates from 25 to 100 vehicles; and
 - 3) \$1,000,000, if the carrier operates more than 100 vehicles.
- b) Property with a value of \$500,000 or more located within the State of Illinois, free from all liens.

Section 1457.220 Reports to be Filed by Self-Insurers

Each household goods carrier authorized to be a self-insurer shall file a report with the Commission, not later than the 20th day of each calendar quarter, listing all accidents, injuries, and fatalities arising out of each carrier's operations within the State of Illinois and claims filed against the carrier of the type for which the carrier is a self-insurer, which have occurred or been filed during the reporting period. The quarterly reports shall also state whether the carrier continues to meet the qualifications for self-insurers listed in Section 1457.210.

Section 1457.230 Revocation of Authorization to be a Self-Insurer

- a) Whenever, after inspection of reports filed pursuant to Section 1457.220, the Commission finds that a carrier no longer meets the minimum requirements of Section 1457.210 for self-insurance, the Commission shall institute a proceeding pursuant to 83 Ill. Adm. Code 200 to suspend or revoke the carrier's authorization to be a self-insurer.
- b) If a carrier fails to file the reports required by Section 1457.220, the Commission shall institute a proceeding pursuant to 83 Ill. Adm. Code 200 to suspend or revoke the carrier's authorization to be a

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- self-insurer.
- c) Based upon the accident information supplied in the reports filed pursuant to Section 1457.220, the Commission may institute a proceeding pursuant to 83 Ill. Adm. Code 200 to suspend or revoke a carrier's authorization to be a self-insurer.

Section 1457.240 Reinstatement

A carrier that has had its authorization to be a self-insurer suspended or revoked may petition the Commission pursuant to 83 Ill. Adm. Code 200 for reinstatement of its status as a self-insurer. A carrier shall be reinstated if it has remedied the grounds for the suspension or revocation.

SUBPART E: RESOLUTION OF HOUSEHOLD GOODS DISPUTES

Section 1457.300 Introduction

This Subpart implements the Illinois General Assembly's charge to the Commission in P.A. 89-444 to specify procedures for resolving disputes between household goods carriers and shippers. The provisions of this Subpart are intended to establish a program that provides a fair, fast, and inexpensive means of resolving the disputes that inevitably arise between household goods carriers and their shippers, and they shall be interpreted and applied to that end.

Section 1457.310 Definitions

For the purpose of this Subpart:

"Arbitration" means the process by which a dispute, which has been voluntarily submitted by a shipper to the Commission for resolution, is decided.

"Carrier" or "household goods carrier" means a person or entity that engages in the for-hire intrastate transportation of household goods.

"Dispute" means a disagreement between a shipper and a carrier relating to the propriety of charges for the services rendered, or loss of or damage to lading from the loading, unloading, or transportation of the lading.

"Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling.

"Mediation" means the informal process, voluntarily agreed to by the shipper, by which a carrier and shipper attempt to achieve a mutually satisfactory resolution of a dispute with the assistance of a

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Commission-appointed mediator acting as a neutral, impartial, third party.

"Shipper" means a person who utilizes the services of a carrier for the collect-on-delivery transportation of household goods.

Section 1457.320 Shipper-Carrier Negotiation

Prior to involving the dispute resolution procedures established by this Subpart, the shipper and carrier must make a good faith attempt to resolve the underlying dispute. Disputes are subject to the claims provisions of Subparts F and G of this Part. Commission staff will, upon request, provide the parties with information necessary or helpful in negotiating a resolution to the dispute or in following established claim procedures.

Section 1457.330 Mediation

If a shipper and carrier are unable to resolve a dispute, either party may request the Commission staff's participation in the dispute resolution process as a mediator.

a) Carriers are required to participate in mediation in good faith. "Good faith participation" includes participation by a representative of the carrier who has authority to agree to settlement. However, the fact that a settlement is not achieved does not in itself constitute evidence of lack of good faith participation.

b) Mediation may take any form or employ any process to which the parties and the mediator agree. Mediation will terminate when the parties reach an agreement about all issues in dispute, when the shipper withdraws as a participant, or when the staff mediator determines that there is no reasonable likelihood that the parties will reach an agreement on any issues remaining in dispute.

c) At the conclusion of mediation, the staff mediator will prepare a memorandum for the parties reflecting the terms of their agreement. If any issues remain unresolved, the staff mediator will give the parties a written opinion as to the merits of the issues remaining in dispute, based on the information available to the staff mediator and the applicable law. The opinion expressed by the staff mediator shall not be binding on the Commission.

Section 1457.340 Arbitration

If some or all of the issues in dispute between a shipper and a carrier remain unresolved after mediation, the shipper may request arbitration of the dispute by a Commission arbitrator, appointed by the Commission. Carriers are deemed to join in a request for arbitration submitted by a shipper.

a) To commence arbitration, a shipper must sign and submit an Agreement to Arbitrate form obtained from the Commission, along with an arbitration fee of \$25. When a shipper submits a form, the carrier

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and shipper agree to abide by the terms of the arbitration award.

b) The Agreement to Arbitrate will specify that the arbitration award will be based solely on written submissions, documents and exhibits, unless the arbitrator and both parties agree to an oral hearing. The Commission will serve a copy of any submissions from one party on the other party.

1) Along with a signed Agreement to Arbitrate, the shipper shall submit two copies of a statement setting forth a brief description of the issues in dispute and its positions and arguments on the issues, accompanied by 2 copies of whatever documents, exhibits or other written submissions the shipper believes to be relevant to those issues.

2) Within 10 business days after the Commission has mailed the Agreement to Arbitrate and shipper's submissions to the carrier, the carrier may submit 2 copies of a statement and other written submissions responding to the shipper's submissions and setting forth its own positions and arguments about the issues in dispute.

3) Within 7 business days after the Commission has mailed the carrier's submissions to the shipper, the shipper may submit 2 copies of a reply to the carrier's submissions.

c) Within 10 business days after the time for receiving the shipper's reply, the Commission arbitrator shall prepare, sign, and mail to the parties a written award disposing of all issues in dispute. The award shall include a brief statement of the findings of fact made by the arbitrator and the basis for the award.

d) Unless otherwise provided by this Section, proceedings under this Section shall be governed by the provisions of the Uniform Arbitration Act [710 ILCS 5].

SUBPART F: CLAIMS FOR OVERCHARGES OR DUPLICATE PAYMENT**Section 1457.400 Definitions**

"Claimant" means any shipper, receiver, or authorized agent filing a request with a carrier for loss of or damage to the household goods shipment or lading, or for the refund of an overcharge or duplicate payment.

"Duplicate payment" means 2 or more payments for transporting the same shipment. Where one or more payments is not in the exact amount of the applicable rates and charges, refunds shall be made on the basis of the excess amount over the applicable rates and charges.

"Overcharge" means charges and payments for transportation services in excess of those applicable under tariffs or schedules lawfully on file with the Commission. It also includes "duplicate payments" as defined in this Section when a dispute exists between parties concerning the

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charges. "Unidentified payment" means a payment that a carrier has received but that the carrier is unable to match with its own open accounts receivable or otherwise identify as being due for the performance of transportation services.

Section 1457.405 Filing of Claims

- a) A claim shall not be paid unless filed in writing with the household goods carrier that collected the transportation charges. The household goods carrier collecting the payment for the shipment shall be the carrier to process all claims. When a claim is filed with another carrier that participated in the transportation, that carrier shall transmit the claim to the collecting carrier within 15 days after receipt of the claim. If the collecting carrier is unable to dispose of the claim for any reason, the claim may be filed with or transferred to any participating carrier for final disposition.
- b) A single claim may include more than one shipment provided the claim on each shipment involves:
 - 1) The same rate publication issue or authority or circumstances;
 - 2) Single-line service by the same carrier; or
 - 3) Service by the same interline carriers.

Section 1457.410 Documentation of Claims

- a) Claims shall include the name of the claimant, the claims file number if any (see Section 1457.420), and the amount of the refund sought to be recovered. Claims for overcharge shall be accompanied by the original or a shipper-certified copy of the bills of lading and payment documents, unless the originals were not paper documents. Additional information may include, but is not limited to, the following:
 - 1) The rate, classification or commodity description or weight claimed to have been applicable;
 - 2) Complete tariff authority for the rate, classification or commodity description claimed; and
 - 3) Other documents or data the claimant believes substantiate the basis for its claim.
- b) Claims for duplicate payment shall be accompanied by the original or a shipper-certified copy of the bills of lading for which charges were paid and payment documents, unless the originals were not paper documents.
- c) Notwithstanding subsections (a) and (b) of this Section, the failure to provide sufficient information and documentation to allow a carrier to conduct an investigation and pay or decline the claim within the allowable time limitation shall not constitute grounds for disallowance of the claim. Rather, the carrier shall comply with Section 1457.415(c) to obtain the additional information required.

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Section 1457.415 Investigation of Claims

- a) Upon receipt of a written claim, the processing carrier shall initiate an investigation and establish a file, as required by Section 1457.420.
- b) If a carrier discovers an overcharge or duplicate payment that has not been the subject of a claim, it shall, within 10 days, initiate an investigation and comply with the provisions of Section 1457.435.
- c) In the event the carrier processing the claim requires information or documentation in addition to that submitted with the claim, the carrier shall, within 10 days, notify the claimant and specify the additional information requested. This includes notifying the claimant that written claim must be filed before the carrier becomes subject to the time limits for settling a claim under Section 1457.430.

Section 1457.420 Claim Records

At the time a claim is received, the carrier shall create a separate file and assign it a consecutive claim file number. The written claim shall be placed in this file. The carrier shall note the claim file number on all documents filed in support of the claim and on all records and correspondence with respect to the claim, including the written acknowledgment of receipt required by Section 1457.425. If pertinent to the disposition of the claim, the carrier shall also note that number on the shipping order and any delivery receipt covering the shipment involved.

Section 1457.425 Acknowledgment of Claims

Upon receipt of a written claim, the carrier shall acknowledge its receipt in writing to the claimant within 30 days after the date of receipt. The carrier shall include the date of receipt in its written acknowledgment and shall also enter this date on the face of the written claim.

Section 1457.430 Disposition of Claims

- a) Within 60 days after its receipt by the carrier, the processing carrier shall pay, decline to pay, or make a written firm offer to be held open for 30 days to settle, each written claim, except where both the claimant and the carrier agree in writing to extension of time for a definite period.
- b) If the carrier declines to pay a claim or makes a firm offer to settle in an amount different from that sought, the carrier shall give the claimant written notice of its action and reasons for its action, citing tariff authority or other pertinent information developed as a result of its investigation. The carrier shall give notice within the time period specified in subsection (a).

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Section 1457.435 Disposition of Unidentified Payments, Overcharges, and Duplicate Payments Not Supported by Claims

- a) If a carrier does not have sufficient information with which to determine whether the payment was owed to the carrier or is in the proper amount, the carrier shall notify the payer of the unidentified payment within 60 days after receipt of the payment and request information that will enable the carrier to make the determination. If the carrier does not receive the information requested within 90 days from the date of notice, the carrier may treat the unidentified payment as a payment in fact of charges owing to it, except that following the 90-day period, the regular claims procedure under this Part shall be applicable.
- b) Notice of unidentified payment, overcharges, and duplicate payments not supported by claims.
 - 1) Notices shall be in writing and clearly indicate that it is a final notice and not a bill.
 - 2) Notice shall include:
 - A) The check number, amount, and date;
 - B) The payer's name; and
 - C) Any additional information the carrier is able to provide, such as copies of any materials, invoices, or letters sent with the unidentified payment.
 - 3) The final notice also must inform the payer that:
 - A) Applicable regulations allow the carrier to conditionally retain the payment as revenue in the absence of a timely response by the payer; and
 - B) Following the 90-day period the regular claims procedure shall be applicable.
- c) Multiple Carrier Claims
 - 1) When a carrier that participated in a transportation movement, but did not collect the transportation charges, finds that an overpayment has been made, that carrier shall, within 10 days, notify the collecting carrier.
 - 2) When the collecting carrier (whether single or joint-line) discovers or is notified by a participating carrier that an overcharge or duplicate payment exists for any transportation charge that has not been the subject of a claim, the carrier shall create a file as if a claim had been submitted and shall record in the file the date it discovered or was notified of the overpayment.
 - 3) The carrier that collected the charges shall then refund the amount of the overpayment to the person who paid the transportation charges or to the person that made duplicate payment within 30 days from the date of the discovery or notification.

SUBPART G: CLAIMS FOR LOSS OR DAMAGE

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Section 1457.440 Definitions

"Claimant" means any shipper, receiver, or authorized agent filing a request with a carrier for loss of or damage to the household goods shipment or lading, or for the refund of an overcharge or duplicate payment.

Section 1457.450 Limitations for Filing a Claim

- a) Any limitation for the filing of claims for loss or damage to a shipment must allow at least 9 months after the shipment is delivered or scheduled to be delivered for the filing of a claim by the shipper with the carrier.
- b) Any limitations on the filing of suits by the shipper for loss or damage to a shipment must allow at least 2 years from the date of written notice by the carrier that it declined to pay the claim.

Section 1457.455 Requirements for Form and Content of Claims

- a) A household goods carrier shall not voluntarily pay a claim for loss, damage, injury, or delay to cargo unless the claimant files a written claim with the carrier within the time limits required by Section 1457.450, the terms of the bill of lading or other contract of carriage, and all applicable tariff provisions.
- b) A written communication filed by a claimant with a carrier will be considered to comply with the provisions for filing claims in the bill of lading or other contract of carriage if it:
 - 1) Contains facts identifying the shipments or property involved;
 - 2) Asserts liability for alleged loss, damage, injury or delay; and
 - 3) Makes claim for the payment of a specified or determinable amount of money.

Section 1457.460 Documents Not Constituting Claims

- a) A household goods carrier shall not accept the following items as complying with the minimum claim filing requirements specified in Section 1457.455(b):
 - 1) Appraisal reports of damage or notations of shortage or damage that are entered on freight bills, delivery receipts, or other documents; or
 - 2) Inspection reports issued by a carrier or its inspection agencies.
- b) The items listed in subsection (a) do not by themselves comply with Section 1457.455(b) regardless of whether the extent of loss or damage is indicated as a monetary sum or otherwise.

Section 1457.465 Claims Filed for Uncertain Amounts

When a household goods carrier is presented with a claim for an uncertain

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amount, such as "\$100 more or less," the carrier will determine the condition of the shipment involved at the time it made delivery, if the shipment was delivered, and shall ascertain, as nearly as possible, any extent of the loss or damage for which it may be responsible. The carrier shall not, however, voluntarily pay a claim under such circumstances unless and until a written claim for a specified or determinable amount of money has been filed in accordance with the provisions of Section 1457.455(b).

Section 1457.470 Multiple Loss and Damage Claims for the Same Shipment

If a household goods carrier investigating a claim discovers that a similar claim on the same shipment has been presented to one or more other carriers or that more than one claimant has filed a claim with respect to the same shipment, the carrier will communicate with each other carrier and, prior to any agreement being entered into as to the proper disposition of the claim or claims, will notify all claimants of the receipt of conflicting or overlapping claims. The carriers will require each claimant to supply further substantiation of its title to the subject property or its right with respect to the claim.

Section 1457.475 Acknowledgement of Loss or Damage Claims

Upon receipt of a written claim, a household goods carrier will acknowledge the receipt of the claim in writing to the claimant within 30 days after the date of its receipt by the carrier. The carrier shall include the date of receipt on its written acknowledgment and shall also enter this date on the face of the written claim. The carrier will indicate in its acknowledgment to the claimant any additional documentary evidence required by Section 1457.485(b) or other pertinent information that it may require to process the claim as required by Section 1457.455.

Section 1457.480 Loss or Damage Claim Records

- a) At the time a claim is received, the household goods carrier shall create a separate file and assign a consecutive claim file number. The carrier shall note that number on all documents filed in support of the claim and all records and correspondence with respect to the claim, including the written acknowledgement of receipt.
- b) At the time a claim is received, the household goods carrier shall record the date of receipt on the face of the claim document. The date of receipt shall also appear in the carrier's written acknowledgement of receipt to the claimant.
- c) The household goods carrier shall note the claim file number on the bill of lading, shipping order, if in its possession, and any delivery receipt covering the shipment, unless:
 - 1) All information contained in bills of lading, shipping orders, delivery receipts, tally sheets, and all other pertinent records made with respect to the transportation of the shipment on which

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claim is made is available for examination upon receipt of a claim;

- 2) All records and documents (or complete reproductions) are in fact examined in the course of the investigation of the claim and an appropriate record is made that examination has in fact taken place; and
- 3) This procedure causes the duplicate or otherwise unlawful payment of claims.

Section 1457.485 Investigation of Loss or Damage Claims

- a) A household goods carrier shall investigate each claim filed against it in the manner prescribed in this Subpart if the carrier has not already investigated it prior to receipt of the claim.
- b) Supporting documents.
 - 1) Each claim must be supported by the original or a shipper-certified copy of the bill of lading, any evidence of the charges, and the invoice (or an extract of the invoice).
 - 2) The claim must also be supported by certification of prices or values, with any trade or other discounts, allowance, deductions of any nature and the terms thereof, or depreciation reflected in the certification.
- 3) Before voluntarily paying a claim, the household goods carrier shall require the claimant to provide written certification of the destination value of a shipment where:
 - A) The property involved in a claim has not been invoiced to the consignee shown on the bill of lading;
 - B) An invoice does not show price or value;
 - C) The property involved has not been sold; or
 - D) The property has been transferred at bookkeeping values only.

- c) When, after investigation, a household goods carrier is unable to authenticate an asserted claim for loss of an entire package or an entire shipment, the carrier shall obtain from the consignee of the shipment involved written certification that the property for which the claim is filed has not been received from any other source.

Section 1457.490 Disposition of Loss or Damage Claims

- a) When household goods carrier receives a written claim for loss, damage, injury, or delay to property transported, it shall pay, decline, or make a written firm offer to be held open for 30 days to settle to the claimant within 120 days after receipt of the claim by the carrier, except where the claimant and the carrier agree in writing to an extension of time for a definite period.
- b) If the carrier declines to pay a claim or makes a firm offer to settle in an amount different from that sought by the claimant, the carrier shall give the claimant written notice of its action and reasons for

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- its action. The carrier shall give written notice within the time specified in subsection (a).
- c) If the carrier cannot process and dispose of the claim within 120 days after receipt, the carrier will, at that time and at the expiration of each succeeding 60 day period while the claim remains pending, provide the claimant with written notice of the status of the claim and the reason for the delay in making final disposition. The carrier shall retain a copy of the notice to the claimant in its claim file.
- d) If the carrier notifies the claimant that it cannot process and dispose of the claim within 120 days after receipt, the claimant may elect to extend the time as provided in subsection (a) or may treat the notice as notice that the carrier has declined to pay the claim. The claimant will be deemed to have elected to treat the notice as notice that the carrier has declined to pay the claim, unless it notifies the carrier otherwise within 15 days after receipt of the carrier's notice.

Section 1457.495 Processing of Salvage

- a) Whenever a household goods carrier transports property that is not accepted by the owner, consignee, or other person entitled to receive the property after tender of the property, the carrier shall undertake to sell or dispose of the property. The carrier shall remit the net proceeds of the sale or other disposal of the property to the person entitled to receive the property within 15 days after sale or disposal.
- b) The household goods carrier shall give 15 days notice to the owner, consignee, or other person entitled to receive the property of its intent to dispose of the property before selling or otherwise disposing of the property. Unless the owner, consignee, or other person entitled to receive the property notifies the carrier in writing within 15 days that it will accept delivery of the property, the carrier will then be able to sell or otherwise dispose of the property. The carrier may promptly sell perishable goods to prevent deterioration or further deterioration.
- c) The household goods carrier shall make an itemized record of the sale or disposal of the property so that it can correlate the property to the shipment involved and any claim filed concerning the property. The carrier shall also assign to each lot of property a consecutive lot number and record that number on its record of the shipment.
- d) Upon receipt of a claim on a shipment for which salvage has been processed in compliance with this Section, the carrier will record in its claim file the lot number assigned, the amount of money recovered from the disposition of the property, the name and address of the person to whom the proceeds were paid, and the date of transmittal of the money to the person or persons entitled to receive the money. That information shall be included in the carrier's acknowledgment of the claim.

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- e) Whenever a household goods carrier sells or otherwise disposes of property through or to a person in which the carrier or one or more of its owners, directors, officers, partners, managers, employees, or agents has any interest, the carrier shall indicate the details of the transaction and relationship in its salvage records. The carrier shall not sell or otherwise dispose of property to or through any person owned, controlled, or operated by or in common with the carrier.

SUBPART H: ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS**Section 1457.500 Generally Accepted Accounting Principles**

- a) All Illinois Commerce Commission licensed common or contract household goods carriers, and each receiver, trustee, executor, administrator, or assignee of any carrier shall comply with generally accepted accounting principles for use in the keeping and recording of their accounts and bookkeeping records.
- b) As generally accepted accounting principles, the Commission incorporates by reference "Accounting Standards" of the Financial Accounting Standards Board.

Section 1457.510 Records

- a) Each carrier shall keep its general accounting books and all other books, records and memoranda that support in any way the entries to those accounting books and analyses of general ledger account balances so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with detailed information as will provide a ready analysis and verification of the facts recorded in those materials. All expenditures must be definitely supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidence of the expenditures incurred. All revenues must be supported by bills of lading, freight bills or, in the case of income from a lessee, other documentation that evidences the revenue received.
- b) The books referred to in this Subpart include not only books of account in a limited technical sense but all other correspondence, memoranda, including but not limited to computer files, electronic memorandum and computer databases, written estimates, weight tickets, storage inventory sheets and storage contracts, insurance and valuation documentation, loss and damage claim documentation, claim register, etc., that will be useful in developing the history of or facts regarding any transaction.
- c) Every motor carrier engaged directly or indirectly in any other than a transportation business shall keep separate and distinct records for the transportation operation.
- d) Each carrier shall keep its books on the basis of an accounting year

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- of 12 months ending on the 31st day of December of each year.
- e) Such books, accounts, records or memoranda shall be preserved for a period of at least 3 years.
 - f) Unless otherwise authorized by the Commission in writing, each motor carrier shall have an office in this State and shall keep in that office all books, accounts, papers, records, and memoranda listed in this Subpart.

Section 1457.520 Examination and Audit

Officers and employees of the Commission shall have the authority under the direction of the Commission to inspect, examine, copy and reproduce any and all books, accounts, papers, records and memoranda kept by a motor carrier, authorized personnel or motor carrier agent, with or without prior notice to the authority holder.

Section 1457.530 Annual Report Filing Requirement

Each household goods carrier shall complete and file with the Commission, not later than May 15 of each calendar year, an annual report for the preceding calendar year. The report shall be on the Commission's Household Goods Carrier Annual Report Form.

SUBPART I: BILLS OF LADING OR OTHER FORMS

Section 1457.600 Bill of Lading and Freight Bill

- a) Issuance of the bill of lading. At the time a shipment is picked up, all carriers shall issue a bill of lading indicating the commodities transported, the weight or other unit used to compute freight charges, the points of origin and destination, and the names of the consignor and consignee.
- b) Information required on the bill of lading. Whenever a bill of lading is issued in compliance with subsection (a) of this Section, the carrier shall show, in addition to the information specified in subsection (a), the following information:
 - 1) The names of the carriers participating in the transportation of the shipment;
 - 2) The name, address, and telephone number of the office of the carrier who should be contacted in relation to the shipment, should there be a need for contact;
 - 3) The name, address, and telephone number of a person to whom notification provided for in Section 1457.90(e) shall be given, except when this cannot be obtained from the shipper;
 - 4) With regard to pickup and delivery the:
 - A) Agreed pickup date;
 - B) Actual pickup date;
 - C) Agreed delivery date or the agreed period of time within

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which delivery of the shipment is expected at the final destination;

- 5) Where applicable, the estimated amount due to the carrier to obtain possession of a Collect on Delivery (C.O.D.) shipment;
- 6) A statement that, unless the shipper expressly releases the shipment to a value of 30 cents per pound per article, the carrier's maximum liability for loss of or damage to the shipment shall be an amount equal to \$2 for each pound of weight in the shipment or the lump sum value declared by the shipper on this form, whichever is greater.
- c) Issuance of a freight bill. After rendition of the service, all carriers shall issue to the person responsible for payment of freight charges a freight bill indicating the total charge for transportation service.
- d) The bill of lading and the freight bill may be combined in a single document.
- e) Bill of lading contract terms. The contractual provisions governing shipments under this Part shall include, as implied terms, the provisions in the governing tariffs of each carrier.

Section 1457.610 Estimate of Charges

- a) Estimates of the charges in relation to the transportation of household goods shall be based upon an inspection of the goods or upon a shipper's description of the goods, by telephone or other means, confirmed in writing prior to rendition of the service.
- b) Estimates of the charges in relation to the transportation of household goods shall be on a Commission approved household goods estimate form. The Commission shall approve any form that:
 - 1) Is identified at the top of the first page as an "Estimate of Charges";
 - 2) Identifies on the first page the name of the carrier as it appears on its Commission license, the address of the carrier at which employees of the carrier are on duty during business hours, and the telephone number of the carrier;
 - 3) Identifies on the first page the name of the shipper and receiver and the addresses at which the goods are to be picked up and delivered;
 - 4) Specifies the number of pieces of equipment and personnel to be used for the transportation of the shipment;
 - 5) Specifies, for hourly rated shipments, the number of hours, including travel time, estimated for the transportation of the shipment;
 - 6) For weight rated shipments, specifies the weight and distance estimated for the transportation of the shipment;
 - 7) Includes the description and estimated charges for any accessory services, including packing, packing materials, valuation, storage, warehouse handling or other charges contained

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- within the carrier's lawfully filed tariffs;
- 8) Specifies the total estimated cost for the transportation of the shipment; and
 - 9) Does not contain provisions contrary to this Part.
 - c) A signed copy of the estimate shall be delivered to the shipper before rendition of the service, and a copy shall be maintained by the carrier as part of its records.
 - d) If the total tariff charges for any shipment exceed the estimated charges plus 10%, the shipper shall become entitled to credit terms from the carrier tendering the shipment for delivery to cover that portion of the total charges that exceeds 110% of the estimated charges. The carrier, in such event, shall advise the shipper that he/she has up to 30 days to pay these additional charges amounting to the balance between the applicable tariff charges and the estimate for the move plus 10%.

Section 1457.620 Inventory Forms

- a) Definitions. As used in this Section, the term "intercity" means transportation other than "short haul". As used in this Section, the term "short haul" means transportation from the point of origin to the final destination of not more than 35 miles, except that moves wholly within counties having a population of 1,000,000 or more are not considered "short haul".
- b) Each carrier shall, prior to loading at the point of origin, prepare a written inventory of each intercity shipment and of each shipment for which storage-in-transit service is requested.
- c) A properly executed copy of the inventory, signed by both the carrier and the shipper, shall be given to the shipper at the point of origin, prior to loading. Another properly executed copy, signed by the carrier and the shipper, and reflecting any changes in the number, nature, or condition of the lading, shall be given to the shipper at the final destination, subsequent to unloading. A written inventory shall also be prepared for short haul movements at the request of the shipper, provided the shipper agrees to pay the tariff rate for preparation of an inventory. The carrier, however, shall not require the preparation of an inventory at the shipper's expense for short haul movements.
- d) Information required on an inventory. Each inventory required under this Section shall:
 - 1) Show the name and current address of the carrier on file with the Commission where its employees can be reached;
 - 2) Show the shipper's name;
 - 3) Show the point of origin and the final destination of the shipment;
 - 4) Include the carrier's description of the goods contained within the shipment and the condition of those goods;
 - 5) Provide a column for the shipper to note exceptions to the

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- inventory as prepared by the carrier;
- 6) Note any goods held by the carrier pending payment of charges; and
 - 7) Identify spaces for both the shipper and carrier to sign at the point of origin and the final destination.
 - e) The shipper shall be permitted to make notations upon delivery concerning the condition or absence of goods in the shipment, and shall be made aware by the carrier that notations regarding the inventory are permitted upon delivery.
 - f) The inventory shall be on a Commission-approved Household Goods Inventory Form. The Commission shall approve a carrier's inventory form if it meets the requirements of this Section and does not contain provisions contrary to the Illinois Commercial Transportation Law or any Commission rules.

Section 1457.630 Storage Charges

- a) Upon receiving a request for storage service, the carrier shall ascertain whether it is the intent of the shipper to have the shipment stored in excess of 180 days. The storage service shall be treated as permanent storage if the storage is in excess of 180 days or if the time period of intended storage is indefinite. Only storage incidental to transportation shall be deemed storage in transit.
- b) Charges for storage in transit shall be stated in an amount per 100 pounds per day or a fraction thereof.
- c) Storage in transit rates need not be established by a carrier that does not hold itself out to provide or arrange for storage in transit service. Such a carrier, however, must publish in its tariff a statement that it does not hold itself out to provide or arrange for storage services.

Section 1457.640 Determination of Weights

- a) Each carrier shall determine the tare weight of each vehicle used in the transportation of household goods to be rated on a hundred-weight basis by having it weighed prior to the transportation of each shipment, at a public scale, without the crew on the vehicle. Scales used shall be certified by the Illinois Department of Agriculture. When weighed, the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment. After the vehicle has been loaded, it shall be weighed, without the crew, at the point of origin of the shipment. The net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no certified scale is available at the point of origin, the loaded weight shall be obtained at the nearest public scale, either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads. Gross weight shall be obtained on the same scale as the tare

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weight with no addition of fuel between weighings.

- b) If no certified scale is available at the point of origin, at any point en route, or at the final destination, a constructive weight based upon 7 pounds per cubic foot of properly loaded van space shall be used. That constructive weight also shall be used for a part load where the circumstances are such that its scale weight could not be obtained at the point of origin, en route, or at the final destination without first unloading it or other part loads being carried in the same vehicle.

- c) Whenever weights are required to be obtained pursuant to this Section, the carrier shall obtain a weight ticket, and this weight ticket shall be maintained by the carrier as part of its record of the shipment. A copy of the weight ticket shall be given to the shipper.

Section 1457.650 Information Pamphlets for Shippers

Each carrier shall provide to each non-commercial shipper, free of charge, and prior to rendition of service, a copy of the Commission's public information pamphlet for household goods shippers.

Section 1457.660 Retention of Bills and Other Forms

Bills of lading, written estimates, inventory sheets, storage contracts and warehouse receipts, weight tickets, insurance policies or other forms for each shipment transported under the authority of a license issued by the Illinois Commerce Commission must be kept as part of the records of the carrier for a minimum of 3 years.

SUBPART J: CAB CARDS AND IDENTIFIERS**Section 1457.700 Cab Card/Identifier Carrying Requirements**

- a) Cab cards/identifiers shall be executed, carried, or presented in satisfaction of the requirements of the Illinois Commercial Transportation Law, this Part, or Commission orders no earlier than December 1 preceding the calendar year for which fees were paid, and no later than February 1 of the calendar year for which the fees were paid.

- b) A vehicle operated in both intrastate and interstate commerce must carry both an intrastate and an interstate cab card/identifier.

Section 1457.710 Exemption of Vehicles from Cab Card Requirements

- a) Intrastate exchange of equipment between licensed carriers. Where a vehicle owned by a licensed intrastate household goods carrier is leased to another licensed intrastate household goods carrier, and the vehicle carries a valid intrastate cab card issued to the carrier that owns the vehicle, the vehicle need not carry a cab card/identifier

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issued to the carrier to which the vehicle is leased.

- b) Interstate compensated intercorporate hauling and single-source leasing. Vehicles used in compensated intercorporate hauling or that are leased, with driver, to private carriers for use in interstate commerce are exempt from cab card and identifier requirements under Section 18C-4601 of the Law.

- c) Temporary cards. An intrastate household goods carrier need not hold or carry an Illinois intrastate cab card/identifier if the carrier has been issued and carries a valid, current temporary cab card/identifier. An interstate household goods carrier need not hold or carry a permanent cab card with Illinois interstate identifier if the carrier has been issued and carries a valid, temporary Illinois registration. A temporary card will be issued upon request of the carrier and payment of the fee for the permanent cab card/identifier.

Section 1457.720 Transfer of Cab Card/Identifier

- a) If a household goods carrier discontinues the use of a vehicle for which a current interstate cab card/Illinois interstate identifier has been executed and provides a newly-acquired vehicle as a substitute, the carrier can transfer the cab card/identifier by following the procedure in this subsection.

- 1) The carrier shall execute a new interstate cab card identifying itself and the substitute vehicle and shall enter the appropriate expiration date on the cab card;

- 2) The carrier shall enter the date on which it terminates use of the discontinued vehicle in the space for the early expiration date on the cab card; and

- 3) The carrier shall permanently attach the upper left-hand corner of the cab card for the substitute vehicle to the upper left-hand corner of the cab card for the discontinued vehicle so as to permit inspection of the contents of both cards. At this point, the Illinois interstate identifier on the cab card of the discontinued vehicle shall apply to the substitute vehicle.

- b) Unless the carrier transfers a cab card/identifier as provided in subsection (a), it shall destroy the cab card/identifier for a vehicle at the time it discontinues use of the vehicle.

- c) Transfer of an intrastate cab card/identifier is not permitted.

Section 1457.730 Expiration, Alteration, and Replacement of Cab Card/Identifier

- a) Each household goods carrier shall destroy a cab card/identifier immediately upon its expiration.

- b) Any erasure, alteration, or unauthorized use of a cab card shall render the cab card void.

- c) If a cab card/identifier is lost, destroyed, mutilated or becomes illegible, a new cab card/identifier shall be prepared and issued upon

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the household goods carrier's application and the payment of the same fee prescribed for the issuance of the original cab card/identifier.

Section 1457.740 Revocation of Exemptions under Section 18c-4601(2) of the Law

Exemptions granted under Section 18c-4601(2) of the Law shall be revoked only in accordance with procedures and standards applicable to fee adjustments under Section 18c-1501(2) of the Law.

SUBPART K: CARRIER IDENTIFICATION

Section 1457.800 Carrier Identification of Vehicles and Format

- a) Except as specified in subsection (b), letters and other characters used to comply with the carrier identification requirements of Section 18c-4701 of the Law must be at least 2 inches high and 1/2 inch wide. The characters must be in a color contrasting with the background color of the vehicle so as to be distinguishable during daylight at a distance of 50 feet while the vehicle is not in motion.
- b) Letters and other characters used to comply with the carrier identification requirements of Section 18c-4701(5) of the Law for vehicles under 9,000 pounds gross vehicle weight must be at least 1/2 inch high and 1/8 inch wide. The characters must be in a color contrasting with the background color of the vehicle so as to be distinguishable during daylight at a distance of 25 feet while the vehicle is not in motion.
- c) It is a violation of this Subpart to display more than one identifier on the power unit of a vehicle. Identifier is defined as the information used to comply with the carrier identification requirements set forth in the Law and this Subpart.
- d) The license number of the carrier, as it appears on the sides of the vehicle in compliance with Section 18c-4701 of the Law, must:
 - 1) Be preceded by "ILL.C.C."; and
 - 2) Followed by the carrier-type designation ("C", "P", "CP", "CR", "PR", or "CPR" as appropriate) as it appears on the carrier's license.

SUBPART L: EQUIPMENT LEASES

Section 1457.900 Applicability

- a) This Subpart applies to the following actions by household goods carriers:
 - 1) The leasing of equipment with which to perform transportation regulated by the Commission.
 - 2) The interchange of equipment between motor common carriers in the performance of transportation regulated by this Commission, except with regard to equipment used exclusively to provide

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transportation within counties having a population in excess of 1,000,000 persons.

- b) This Subpart does not apply to the following actions:

- 1) The leasing of equipment by persons whose principal business is the leasing of equipment, without drivers, for hire, to the general public; and
 - 2) The leasing of equipment for use in interstate commerce.
- c) The leasing of equipment with drivers to other than a licensed household goods carrier is prohibited by Section 18c-4103(1) of the Law.

Section 1457.910 Definitions

"Addendum". A supplement to an existing lease.

"Authorized carrier". A person holding a household goods carrier license from the Commission.

"Equipment". A motor vehicle, straight truck or tractor.

"Lease". A written document vesting possession, use, control and responsibility in the lessee during the periods the vehicle is operated by or for the lessee.

"Lessee". In a lease, the party acquiring the use of equipment, with or without driver, from another.

"Lessor". In a lease, the party granting the use of equipment, with or without driver, to another.

"Owner". A person:

to whom title to equipment has been issued; or

who, without title, has the right to exclusive use of equipment for a period longer than 30 days; or

who has lawful possession of equipment, registered and licensed in any state in the name of that person.

"Permanent lease". A lease in which the authorized carrier acquires the use of equipment, with or without driver, from an owner for a period of 30 days or more.

"Shipper". A person who sends or receives property that is transported in intrastate commerce.

"Sublease". A written document in which the lessee grants the use of

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leased equipment, with or without driver.

"Trip lease". A lease in which the authorized carrier acquires the use of equipment, with or without driver, from an owner for a period of time less than 30 days.

Section 1457.920 General Leasing Requirements

- a) Leasing permitted only in compliance with this Subpart. Authorized carriers may perform regulated transportation in equipment they do not own only in accordance with this Subpart.
- b) Written lease required. Each lease covered by this Subpart must be in writing.
- c) Parties and signatures. A lease subject to this Subpart must be between the owner of the equipment (the lessor) and the licensed carrier to which the equipment, with or without driver, is leased (the lessee). The lease must be signed by each party or its authorized representative.
- d) Filing and review requirements.
 - 1) Filing requirement. The original and 2 copies of each completed (signed and dated) lease to which this Subpart applies must be filed with the Commission's Transportation Division at the following address:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62791

- 2) Filing fee requirement. A filing fee as prescribed in Subpart Q shall be remitted with each lease.
- 3) No operations shall be conducted under a lease to which this Subpart applies until a copy of the completed lease has been filed with or mailed to the Commission's Transportation Division.
- 4) Operations may be conducted under the lease after filing or transmittal but before completion of review. A copy of the lease and an attached affidavit stating that the lease has been transmitted to the Commission, indicating the date of transmittal and stating that the lease is under review, are to be carried in the vehicle covered by the lease.
- e) Receipts for equipment. Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given as follows:
 - 1) When possession of the equipment is taken by the authorized carrier, it shall give the owner of the equipment a receipt.
 - 2) When possession of the equipment by the authorized carrier ends, it shall give the owner of the equipment a receipt.

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- f) Identification of equipment. Authorized carriers shall identify the leased equipment as being in their service as follows:
 - 1) During the period of the lease, the carrier shall identify the equipment by attaching a placard with the identification of the lessee in compliance with Section 18c-4701 of the Law;
 - 2) During the entire period of the lease, a copy of the executed lease shall be carried in each motor vehicle covered by the lease. The lease must bear a Transportation Division stamp showing that the lease was approved or that no deficiency was found or have attached to it the affidavit prescribed in subsection (d)(4).

- g) Records of equipment use. Authorized carriers shall keep records of equipment use as follows:

- 1) General equipment use records. Each authorized carrier shall prepare and keep documents covering each trip for which the equipment is used in the carrier's service. These documents shall contain the name and address of the owner of the equipment, the point of origin, the time and date of departure, and the point of final destination. These documents shall be preserved as part of the carrier's records.
- 2) Trip lease records. If the equipment is being leased for a period less than 30 days, the authorized carrier shall carry a copy of the lease records described in subsection (g)(1) in the leased equipment while it is operated under the lease. Records carried in the vehicle must also identify the lading.
- 3) Permanent lease records. If the equipment is being leased for periods of 30 days or more, the authorized carrier may keep the records identifying the lading at its terminals or principal office as part of its records, rather than in the leased equipment.
- h) A copy of the completed written lease shall be retained as part of the carrier/lessee's records.
- i) Cancellation. In the event that a carrier wishes to cancel a lease prior to the expiration date, it may file a notice of cancellation at the address for filing leases under Section 1457.920(d)(1). Otherwise, the lease shall remain in effect for purposes of the Law until the expiration date, or the date on which the lease expires by operation of Section 1457.940(a)(2), whichever occurs first. No fee is required for filing a notice of cancellation.

Section 1457.930 Actions Affecting Leases

- a) Revocation of carrier/lessee's license. In the event that the license held by the carrier/lessee is revoked pursuant to Section 18c-1704 of the Law, the lease shall remain in effect but all operations of the equipment subject to the lease must cease unless and until the license is reinstated by order of the Commission.
- b) Transfer of carrier/lessee's license. In the event that a transfer as

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defined in Section 18c-1104 of the Law occurs:

- 1) The lease shall remain in effect and shall bind the transferee if the name of the license holder is not changed by the transfer; or
- 2) The lease shall be void from the date the transfer is granted if the name of the license holder is changed by the transfer, unless the transferee files an amendment to the lease showing the change and showing that it has assumed the obligations of the transferor under the lease. No filing fee will be required for the filing of the amendments.
- c) Carrier/lessee's name change. In the event that the carrier/lessee undergoes a name change not associated with a transfer as defined in Section 18c-1104 of the Law, the lease shall be void from the date of the name change unless the carrier/lessee files an amendment to the lease showing the changes and stating that the change is not associated with a transfer. No filing fee will be required for the filing of the amendments.

Section 1457.940 Lease Terms and Conditions

- a) Required terms and information. A lease subject to this Subpart must specify the information set forth in this subsection.

1) Identifying information

- A) Parties. The lease must show the full legal name of the carrier/lessee, as it appears on the carrier's Commission license; the full legal name of the equipment owner/lessor; and the mailing address of each, including street address, city, state, and zip code.
- B) Vehicle. The lease must show the type, make, year, and vehicle identification number of the motor vehicle that is subject to the lease.
- 2) Term of the lease. The lease must specify the dates or the circumstances that begin and end the term of the lease. The term of the lease shall coincide with the times for giving receipts for the equipment as required in subsection (b). The term of the lease shall not exceed 3 years.
- 3) Compensation to owner and drivers. The lease must specify both the amount and the method of computing the compensation to be paid by the carrier/lessee to the equipment owner. Compensation may be stated either jointly or separately for equipment and drivers. The lease must also specify any documents that must be presented by the lessor before he/she can receive payment.
- 4) Responsibility for expenses. The lease must specify the responsibility of the lessee and the lessor for payment of expenses incurred in providing transportation service, either directly or through deductions (chargebacks) from compensation specified in subsection (b)(3). Expenses not expressly made the responsibility of the lessor shall be the responsibility of the lessee. The lease must also specify any documents to be

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submitted by either party in relation to payment or reimbursement of expenses. Expenses covered under this subsection (a)(4) include:

- A) Fuel costs;
 - B) Fuel and other taxes;
 - C) Empty mileage;
 - D) Licenses, permits plates, and decals of all types except permits issued by the Commission;
 - E) Tolls and other fees, except those fees paid to the Commission;
 - F) Insurance and surety coverage (including responsibility for primary insurance);
 - G) Rentals or other payments to the carrier; and
 - H) Any other expenses related to the transportation.
- 5) Supplemental insurance coverage. The lease must specify which party is responsible for securing and paying for, either directly or indirectly, any other insurance or surety coverage in addition to amounts required by the Law or Subpart C of this Part. If the lessor purchases any insurance from or through the lessee, the lessee shall provide the lessor, on request, a copy of the policy and a certificate of insurance showing the name of the insurance company, the policy number, amounts and types of coverage, effective dates of coverage, deductible amounts, and the cost of the coverage.
 - 6) Loss or damages. The lease must specify the conditions under which the lessor may be required to indemnify the lessee for personal injury, property damage, or loss of or damage to cargo. If indemnification is made through deductions from compensation otherwise owed to the lessor, a written itemization and explanation of deductions must be provided to the lessor before any deductions are made.
 - b) Implied terms. The following terms, if not stated in a lease, shall be implied. Any contrary provisions in the lease shall be void.
 - 1) Exclusive possession and control. The lessee shall have exclusive possession and control of leased equipment during all periods when the equipment is operated under the lease. Such exclusive possession and control shall extend also to the drivers of leased equipment.
 - 2) Insurance coverage. The lessee shall have the responsibility for securing insurance or surety coverage in compliance with the Law and Subpart C of this Part.
 - 3) Payment deadline. Payment of compensation due under a lease must be made within 15 days after submission of any documents specified under subsection (a)(3).
 - 4) Pre-conditions to lease. The lessor is not required to purchase, rent, or lease any goods (including equipment) or services from the lessee as a condition of the lease or of entering into or not canceling the lease.

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5) Other obligations of lessee.

- A) Copy of lease. Prior to commencement of operations under a lease, the lessee shall provide the lessor a completed copy of the lease and proof of its transmittal to the Commission.
- B) Copy of rated freight bill. If compensation is based on information shown on the bill, the lessee shall provide the lessor with a copy of the rated freight bill at the time compensation for the movement is paid to the lessor. The lessee may delete the names of shippers, consignors, and consignees from the bill.
- C) Examination of tariff. If the lessor requests, the lessee shall allow an examination of its tariffs.
- 6) Any term of a lease that conflicts with the Illinois Commercial Transportation Law, Commission rules, or Commission orders is void.

Section 1457.950 Lease Form

All leases covered by this Subpart shall include the Commission's Equipment Lease form.

Section 1457.960 Possession and Control of Leased Equipment

- a) General requirement. The lessee of equipment used under authority of a license issued by the Commission shall have exclusive possession and control of the equipment while it is so used. Failure to exercise supervision and control of the equipment constitutes an illegal transfer of authority as set forth in Section 18c-4307 of the Law, making both the lessor and lessee subject to sanctions provided by Section 18c-1704 of the Law.
- b) Exceptions. The requirement of exclusive possession and control does not apply to a lessee that, in turn, subleases the equipment to another carrier, since the latter carrier has the obligation to supervise and control the equipment. The requirement does, however, apply to the sublessee.

Section 1457.970 Additional Requirements for Trip Leases between Authorized Carriers

Authorized carriers are permitted to trip lease equipment to or from other authorized carriers only if:

- a) The lessor owns the equipment or has possession and control of the equipment under a lease of 30 days or more;
- b) The lessee exercises exclusive supervision and control of the equipment while it is operated under lessee's license; and
- c) All other requirements of this Subpart are complied with.

SUBPART M: RATES BASED ON VALUE (RELEASED VALUE RATES); LINE-HAUL RATES; AND

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Section 1457.1000 Authority to Establish Released Value Rates

- a) Prior authority from the Commission is required to establish released value rates.
- b) Standards for granting or denying released value rate applications. The Commission shall grant an application for authority to establish rates based on value if the rate is agreed to by the shipper, based on value declared by the shipper in writing, and is in compliance with 92 Ill. Adm. Code 1225, except that the rate is based on value.
- c) Additional authority not required to change rate levels. Carriers authorized to establish rates based on value may change the level of the rates without additional authority, provided that the commodities to which the rates apply, the territory within which the rates apply, and other provisions regarding application of the rates are not changed.
- d) Limitation. A released value rate authorized by the Commission applies to the specific shippers for which it was authorized.

Section 1457.1010 Forms

Applications for authority to establish rates based on value shall be on the Commission's "Released Rate Application" form. Forms are available from the Commission at its offices in Springfield and Chicago.

Section 1457.1020 Establishment of Line-haul Rates

- a) All carriers under the Commission's rate jurisdiction are required to establish rates in cents per 100 pounds, except as provided in subsections (b) and (c) of this Section.
- b) Rates may be established per unit of time:
 - 1) When the distance from the point of origin to the final destination of a shipment is not more than 35 miles; or
 - 2) When both the point of origin and the final destination of a shipment are within a county having a population of 1,000,000 or more; or
 - 3) When the transportation is exempt from Commission rate jurisdiction. Transportation is rate-exempt when both the point of origin and the final destination of a shipment are within the terminal area of a municipality, unless both the origin and destination are within a county having a population of 1,000,000 or more.
- c) Shipments rated upon units of time shall, except as otherwise provided in this subsection, be transported singly and not commingled with any other freight. Where shipments rated upon units of time are commingled, the burden shall be on the carrier to demonstrate that the charges for each commingled shipment are not greater than the charges

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that would have applied if the shipments had been transported singly and not commingled.

Section 1457.1030 Accessorial or Terminal Service Charges

- a) Definitions. As used in this Section, the term "intercity" means transportation other than "short haul". As used in this Section, the term "short haul" means transportation from the point of origin to the final destination of not more than 35 miles, except that moves wholly within counties having a population of 1,000,000 or more are not considered "short haul".
- b) Each household goods carrier shall establish charges for each accessorial or terminal service rendered in connection with line-haul transportation. The tariffs containing such charges shall separately describe each service and the charge therefor. Charges for packing and unpacking service shall be on a physical unit basis. Charges for miscellaneous labor performed at the request of the shipper shall be on an hourly basis.
- c) Whenever the shipper specifically requests notification of the actual weight and charges on an intercity shipment, the carrier shall comply with the request immediately upon determining the actual weight and charges, by telephone, fax, or teletype if requested. The notification shall be made no later than 24 hours prior to the time the shipment is offered by the carrier to the shipper for delivery at the final destination, except where the shipment is in transit less than 24 hours.

SUBPART N: APPLICATIONS FOR APPROVAL OF TARIFF BUREAU AGREEMENTS

Section 1457.1100 Definition of Tariff Bureau

The term "tariff bureau", when used in Subpart N and Subpart O, shall mean any conference, association, committee, or other organization that engages in collective ratemaking activities.

Section 1457.1110 Contents of Application

Application for approval of a tariff bureau agreement shall be verified and shall show:

- a) The full and correct name, trade name, and business address (street and number, city, state, and zip code) of the applicant; whether applicant is a corporation, individual, or partnership; if a corporation, the state of incorporation, and if a partnership, the names of the partners and date of formation of the partnership.
- b) The full and correct name and trade name of each carrier participating in the agreement.
- c) A detailed description of the tariff bureau, including its organizational structure; the identities of its owners, officers and

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directors; the services it provides; the territory within which it provides services; and any relationship of a business nature between the tariff bureau and any other transportation organization other than its participating carriers.

- d) The facts relied upon to establish that the agreement will be in the furtherance of the state transportation policy.

Section 1457.1120 Required Exhibits

There shall be filed with each application the following exhibits:

- a) A copy of the collective ratemaking agreement.
- b) A copy of the constitution, bylaws, or other documents or writings, specifying the organization's powers, duties, and procedures, unless incorporated in the tariff bureau agreement itself.

Section 1457.1130 Independent Action

When independent action is announced by a carrier participating in a tariff bureau agreement, and the carrier requests that the tariff bureau publish the rates, the tariff bureau shall give notice of and publish the rates in the same manner that the tariff bureau gives notice of and publishes actions proposed under procedures for collective ratemaking. No joint or collective procedures under the agreement are thereby invoked.

SUBPART O: TARIFF BUREAU RECORDS AND REPORTS

Section 1457.1200 Accounts

Accounts shall be kept by each tariff bureau of all receipts and expenditures of moneys. All receipts and expenditures of moneys shall be supported by original records or copies of original records.

Section 1457.1210 Ratemaking Records

Each tariff bureau shall maintain, with regard to each rate proposal presented to or acted upon by the tariff bureau, either as an independent action or collective action, a complete file containing:

- a) A copy of the rate proposal as received by the tariff bureau;
- b) A copy of any response by the tariff bureau, participating carriers, or others to the rate proposal;
- c) An account of the processing and disposition of the rate proposal; and
- d) Any related documents in the possession of the tariff bureau.

Section 1457.1220 Reporting Requirements

Each tariff bureau shall complete and file with the Commission by May 15 of each year the Commission's Tariff Bureau Annual Report form.

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Section 1457.1230 Prohibition Against Protests by Tariff Bureaus

- a) The Commission shall not approve any tariff bureau agreement unless the agreement provides that the tariff bureau shall not, in its own name, intervene in opposition to any action by a participating or non-participating carrier.
- b) A tariff bureau may act as the agent for a carrier in filing or prosecuting a petition for leave to intervene in opposition to the action of a carrier, provided that the tariff bureau does not engage in the unauthorized practice of law.
- c) A tariff bureau may defend a general rate change published by the bureau in an agency publication.

SUBPART P: CARRIER/AGENT RELATIONSHIPS

Section 1457.1300 Carrier/Agent Relationships

- a) Household goods carriers are absolutely responsible for all the acts or omissions of their agents that relate to the performance of Illinois intrastate transportation held out in the name of the principal carrier, or where the shipper is led to believe the transportation would be performed by the principal carrier.
- b) No household goods carrier shall act for any other carrier in the solicitation or transportation of shipments of household goods in Illinois intrastate commerce between points that both carriers are authorized to serve unless the rates established by the 2 carriers are identical.

c) Authority for Agents' Operations:

- 1) When an agent of a carrier moves a shipment under its own operating authority, the estimate of charges, bill of lading, and other related documents shall be prepared and issued by the agent in its own name rather than in the name of the principal.
- 2) When an agent of a household goods carrier moves a shipment under its principal's operating authority, the estimate of charges, bill of lading, and other related documents shall all be prepared and issued in the name of the principal rather than in the name of the agent. In this situation, the agent shall act in all respects as if it were the principal.
- 3) To the extent that an agent operates beyond the scope of its certificate or license, by using the principal's operating authority, it shall do so pursuant to an equipment lease (see Subpart L of this Part) or a license transfer approved by the Commission. In this instance, the estimate of charges, bill of lading, and other related documents shall all be prepared and issued by the agent in the name of the principal rather than in its own name.
- 4) Before operations are conducted by an agent on behalf of its principal, a copy of the agency agreement, duly executed by the

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parties, shall be filed with the Commission.

SUBPART Q: FEES

Section 1457.1400 Filing Fees

Filing fees for household goods carriers shall be as follows:

- a) Application for new license
 - 1) Application for temporary authority \$300
 - 2) Application for emergency temporary authority \$300
 - 3) Application for permanent license \$600
- b) Application for extended license
 - 1) For temporary authority \$300
 - 2) For emergency temporary authority \$300
 - 3) Other application for extended license \$600
- c) Application to transfer license
 - 1) Transfer under Section 18C-4306 of the Law \$300
 - 2) Other application to transfer license \$600
- d) Application to reinstate a suspended or revoked license or vacated order
 - 1) Application for interpretation of authority \$600
 - 2) Petition to amend authority \$250
 - 3) Petition for name change \$75
 - 4) Rate filings \$75
- e) Application for authority to establish a released value rate
 - 1) Special permission application \$75
- f) Annual cab card and cab card renewal fee for each vehicle operated by or under authority of a household goods carrier
 - 1) Each order for cab cards shall be accompanied by a \$10 processing fee. \$25 order

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- 1) Heading of the Part: Administration of the Illinois Public Community College Act

- 2) Code Citation: 23 Ill. Adm. Code 1501

- 3) Section Number:
1501.602 Proposed Action:
Amendment
1501.604 Amendment

- 4) Statutory Authority: 110 ILCS 805/2-12.

- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Sections 1501.602 and 1501.604 increases the ICCB approval threshold from \$25,000 to \$250,000 for locally funded capital projects, excluding protection, health, and safety funded projects. This change will allow colleges more flexibility in planning and implementing small remodeling projects on short notice to meet the demands and needs of students, staff, faculty, and local businesses

- 6) Will these proposed amendments replace emergency rules currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking will not create or expand a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, Illinois 62701-1711
Telephone: (217) 785-0053
Fax: (217) 524-6195

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis: The Illinois Community College Board has determined that this rulemaking will not affect small businesses.

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- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: No Regulatory Agenda was submitted by the ICCB for 1999.

The full text of the Proposed Amendments begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section	
1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section	
1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

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Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Nonresident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Grants
1501.508	Special Populations Grants
1501.509	Workforce Preparation Grants
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grants
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants
1501.518	Uncollectible Debts
1501.520	Lincoln's Challenge Grants
1501.521	Technology Enhancement Grants
1501.522	Deferred Maintenance Grants

SUBPART F: CAPITAL PROJECTS

Section	
1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.3.01 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act
1501.610	Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

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1501.701 Definitions of Terms

1501.702 Applicability

1501.703 Recognition

1501.704 Programs

1501.705 Finance

1501.706 Personnel

1501.707 Facilities

SUBPART H: PERSONNEL

Section

1501.801 Definition of Terms

1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective

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April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART F: CAPITAL PROJECTS

Section 1501.602 Approval of Capital Projects

a) Notwithstanding any provision to the contrary (see subsection (b) and Section 1501.604(b)), requests for approval of capital projects shall be submitted to the ICCB on the forms prescribed by the ICCB.

b) A project requiring the expenditure of state or local funds for purchase, construction, remodeling, or rehabilitation of physical facilities at a primary or secondary site shall have prior ICCB approval except the following:

- 1) locally-funded projects that meet the definition of a maintenance project as defined in Section 1501.601, or
- 2) locally funded projects that result in no change in room use, or
- 3) locally funded projects for which the total estimated cost is less than \$250,000 \$257,000.

c) A District Site and Construction Master Plan shall be filed with the ICCB by January 1, 1991. The purpose of the plan is to apprise the ICCB of possible primary site new construction and secondary site acquisition/construction plans for the next three years throughout the district. The plan should be updated, as needed, to ensure that any project submitted for approval has been reflected in the district plan on file with the ICCB at least two months prior to submission of the project. Any primary site new construction or secondary site acquisition/construction projects must be reflected in the plan in order to receive consideration for approval. The plan, at a minimum, shall consist of a map of the district showing the location of all facilities owned by the district or leased for a period exceeding five years and a narrative describing the district's:

- 1) Current permanent facilities where additions are planned.
- 2) General plans for future site acquisition or acquisition/construction of permanent facilities either on the primary site or secondary sites. The location may be identified in terms of the general geographic area within the district.
- 3) Proposed schedule for acquiring additional sites, constructing additions to existing facilities, or acquiring/constructing new permanent facilities.
- 4) The intended use of all proposed site acquisitions and facility acquisition/construction.
- d) The authority to approve locally funded projects is delegated to the President/CEO --Executive-Director of the ICCB, who shall in turn report such actions to the ICCB.

(Source: Amended at 24 Ill. Reg. _____, effective

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Section 1501.604 Locally Funded Capital Projects

- a) All locally funded capital projects shall meet the same codes or standards listed in Section 1501.603(f)(2).
- b) Requests for ICCB approval of locally funded capital projects shall be submitted using forms prescribed by the ICCB. All locally funded capital projects shall receive prior ICCB approval except those meeting any one of the following criteria:
- 1) A project which meets the definition of a maintenance project as specified in Section 1501.601.
 - 2) A project which does not create a change in room use.
 - 3) A project which is less than \$250,000 \$25-000 regardless of the work being performed.
- c) Requests for ICCB approval of locally funded capital projects shall be submitted to the ICCB according to the following criteria:
- 1) All capital projects other than those excluded in Section 1501.604(b) require ICCB approval during the design phase of the project.
 - 2) Capital projects estimated to cost in excess of \$2.5 million shall be reported to the ICCB following a project needs assessment.
 - 3) The final budget and scope of the project shall be reported to the ICCB after bids are received but before contracts are awarded. If the budget or scope exceeds that approved by the ICCB, the project shall be resubmitted for approval.
- d) Application Criteria for New Construction Projects at the Primary Site. Applications for new construction projects submitted to the ICCB and shall have attached to them the following:
- 1) A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.
 - 2) A statement identifying the source of local funds for the project.
 - 3) For primary sites, certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study. The feasibility study shall address, at a minimum, the following:
 - A) The location of the site in relation to geography and population of the entire district and its relation to sites of the district's other colleges, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.
 - B) The impact on the surrounding environment, including the effect of increased traffic flow.
 - C) Accessibility to the site by existing and planned highways and/or streets.
 - D) Cost of development of the site in relation to topography,

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- soil condition, and utilities.
- E) Size of the proposed site in relation to projected student population (as determined by census data) and land cost.
 - F) The number, location, and characteristics (types of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.
- 4) Requests for primary site acquisition shall include three appraisals of the property.
- 5) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in Section 1501.603(e)(4)(C) or a specific program need basis as specified in Section 1501.603(e)(4)(D).
- 6) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.
- e) Application Criteria for Projects Funded in Accordance with Section 3-37 of the Act. In addition to the above, applications for projects proposed for funding in accordance with Section 3-37 of the Act must include:
- 1) A copy of the proposed lease agreement showing that income is sufficient to pay the costs of constructing or acquiring and operating and maintaining the facility for the life of the installment loan arrangement entered into by the college.
 - 2) A copy of the loan arrangement entered into by the college showing the installment costs to be incurred by the college.
 - 3) Any other agreement between the college and another group which commits funds toward the project by that group.
- f) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:
- 1) A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.
 - 2) A statement identifying the source of local funds for the project.
 - 3) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices...).
 - 4) A justification statement regarding the need to remodel.
- g) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:
- 1) A resolution by the local board of trustees stating that:
 - A) Funds are available to procure the site.
 - B) The programs offered have been approved by the ICCB and IBHE or approval of these stated programs by those boards is pending.
 - 2) Copies of at least two appraisals of the property.
 - 3) Verification that the condition of the facility is not a threat

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- to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)
- 4) Identification of the location of the site and its relationship to the main campus, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.
- 5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.
- h) Construction projects for use by the college which are financed in whole or in part by college foundations are to be submitted for ICCB approval as locally funded projects.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

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- 1) Heading of the Part: Water Supply Operator Certification
- 2) Code Citation: 35 Ill. Adm. Code 680
- 3) Section Numbers:
- | | |
|---------|-----------|
| 680.103 | Amendment |
| 680.104 | Amendment |
| 680.105 | Amendment |
| 680.106 | Amendment |
| 680.107 | Amendment |
| 680.108 | New |
| 680.109 | New |
| 680.110 | New |
| 680.111 | New |
| 680.201 | Amendment |
| 680.202 | Amendment |
| 680.203 | Amendment |
| 680.301 | Amendment |
| 680.302 | Amendment |
| 680.303 | Amendment |
| 680.304 | Amendment |
| 680.305 | Amendment |
| 680.306 | Amendment |
| 680.401 | Amendment |
| 680.402 | Amendment |
| 680.403 | Amendment |
| 680.501 | Amendment |
| 680.502 | Repeal |
| 680.503 | Amendment |
| 680.601 | Amendment |
| 680.603 | Repeal |
| 680.604 | Amendment |
| 680.605 | Amendment |
| 680.701 | Amendment |
| 680.702 | Amendment |
| 680.703 | Amendment |
| 680.704 | Amendment |
| 680.705 | Amendment |
| 680.801 | New |
| 680.802 | New |
| 680.803 | New |
| 680.804 | New |
| 680.805 | New |
| 680.806 | New |
| 680.807 | New |
| 680.808 | New |
| 680.809 | New |
| 680.810 | New |

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680.811 New
680.812 New
680.813 New
680.901 New

4) Statutory Authority: Implementing and authorized by the Public Water Supply Operations Act, 415 ILCS 45.

5) A Complete Description of the Subjects and Issues Involved: The amendments to these rules establish the requirements that all public water supplies employ a properly certified water supply operator, and that all certified water operators meet continuing education requirements for certificate renewal, pursuant to the federal Safe Drinking Water Act (42 USC 300f (1996)) and the Public Water Supplies Operations Act (415 ILCS 45).

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a mandate under Section 3 of the State Mandates Act [30 ILCS 805/3].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Mike Garretson, Manager
Compliance Operations Unit
Compliance Assurance Section
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield IL 62794-9276
217/782-9720

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations to the extent that these entities operate a public water supply. The Illinois EPA anticipates that the rules will generally benefit these entities by

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increasing the level of knowledge of public water supply operators through continuing education. The proposed rules may result in additional training expenses.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules require that certified water operators maintain training records and submit documentation to the Illinois EPA.

C) Types of professional skills necessary for compliance: The proposed rules require that all public water supplies employ properly certified water supply operators who have demonstrated the necessary skills, knowledge, ability, and judgment for the operation of a public water supply.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 680

WATER SUPPLY OPERATOR CERTIFICATION

SUBPART A: INTRODUCTION AND DEFINITIONS

Section	Purpose
680.101	Responsible Charge
680.102	Equivalent to a High School Education <u>Other-Definitions</u>
680.103	Continuing Education Unit
680.104	Quarter Hours and Semester Hours
680.105	Grandparenting
680.106	Other Definitions
680.107	Hands-on or Necessary Skills, Knowledge, Ability, and Judgment
680.108	<u>Practical-Working Knowledge</u>
680.109	Law
680.110	Responsible Charge
680.111	Equivalent to a High School Education <u>Other-Definitions</u>
680.112	Continuing Education Unit
680.113	Quarter Hours and Semester Hours
680.114	Grandparenting
680.115	Other Definitions

SUBPART B: EXAMINATION FREQUENCY AND LOCATION

Section	Examination Frequency
680.201	Examination Location
680.202	Examination on Request

SUBPART C: EXAMINATION ELIGIBILITY

Section	Eligibility
680.301	Applications
680.302	Eligibility Agency Determination
680.303	Review of Determination
680.304	Examination Admission
680.305	Letters of Admission <u>Expiration-of-Application</u>

SUBPART D: WRITTEN EXAMINATION

Section	Examination Classification
680.401	Standards for Examination and Grading
680.402	Award of Certificate of Competency <u>Successful-Completion</u>

SUBPART E: REEXAMINATION

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Section	Reexamination at Same Classification
680.501	Alternate Classification <u>(Repealed)</u>
680.502	Reexamination Fee

SUBPART F: RECIPROCITY

Section	Application for Reciprocal Certification
680.601	Authority to Obtain Information
680.602	Personal Interview <u>(Repealed)</u>
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SUBPART G: SANCTIONS SUSPENSION-AND-REVOCAATION

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SUBPART H: CERTIFICATE RENEWAL, RESTORATION, AND REQUIRED TRAINING

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SUBPART I: GRANDPARENTING

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680.901	

AUTHORITY: Implementing and authorized by the Public Water Supply Operations Act [415 ILCS 45].

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SOURCE: Filed April 1, 1974; Part repealed, new Part adopted at 6 Ill. Reg. 10942, effective September 1, 1982; amended at 12 Ill. Reg. 8442, May 2, 1988; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 680.103 Examination

"Examination" means a ~~the section and any subsection~~ test(s), written in English, required to be taken by the applicant for ~~initial~~ certification ~~issuance or class revision certification~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.104 Hands-on or Necessary Skills, Knowledge, Ability, and Judgment ~~Practical-Working-Knowledge~~

"Hands-on" or necessary skills, knowledge, ability, and judgment ~~"practical working-knowledge"~~ means the knowledge acquired from daily operating experience rather than from text book study or supervisory observation. It means the applicant has actually operated a water plant or water supply or worked on the distribution system and has performed tasks including, but not limited to, routine tests, sample collection, completion of operational reports, calculation of chemical dosages and subsequent adjustment of chemical feeders, or backwashed filters.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.105 Law

"Law" means the Public Water Supply Operations Act ~~"An Act to regulate the operating of a public water supply"~~ [415 ILCS 45] ~~(Ill. Rev. Stat. 1987-ch. 111-1/27-pars. 501-et-seq.)~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.106 Responsible Charge

"Responsible Charge" means active, on-site charge and/or performance of operation of the treatment plant and/or distribution system of a public water supply or comparable water supply.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 680.107 Equivalent to a High School Education ~~Other-Definitions~~

"The Equivalent" to a high school education means a General Education Development (GED) test.

(Source: Old Section 680.107 renumbered to Section 680.111 and new Section 680.107 added at 24 Ill. Reg. _____, effective _____)

Section 680.108 Continuing Education Unit

The Continuing Education Unit (CEU) is a nationally recognized unit defined as 10 training contact hours. One training contact hour is a 60 minute classroom session of instruction or its equivalent (0.1 CEU). One contact hour or 0.1 CEU will count as 1 hour towards meeting the certificate renewal training requirement. Training in which CEUs are not assigned will be credited based on actual hours spent in training.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.109 Quarter Hours and Semester Hours

Quarter hours or semester hours are usually assigned for courses offered by colleges and universities. For the purpose of calculating actual classroom hours for renewal training credit, the following conversions should be used:

1 Semester Hour = 15 hours of training credit
1 Quarter Hour = 10 hours of training credit.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.110 Grandparenting

Grandparenting means the exemption for the registered persons in responsible charge of a previously-exempt community water supply, as of the effective date of the Law, from meeting the initial education and examination requirements for the class of certification the community water supply has been assigned.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.111 Other Definitions

The definitions found in 35 Ill. Adm. Code 601 and 611 shall apply to this Part.

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(Source: Renumbered from Section 680.107 and amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: EXAMINATION FREQUENCY AND LOCATION

Section 680.201 Examination Frequency

Examinations will be held the first working Monday of each month at times and six locations throughout the State as determined by the Agency.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.202 Examination Location

An examination schedule listing locations with telephone numbers will be sent to each applicant who receives a Letter of Admission. An applicant who has received a Letter of Admission for initial examination or reexamination must contact the examination center by telephone or in writing at least seven days prior to the scheduled examination date. Examination--schedules--listing locations and telephone numbers will be sent to each applicant who--receives--a letter of Admission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.203 Examination on Request

Examinations on request may be given will be given--at--community--colleges--or other--special--locations--whenver possible, upon request of the instructor or course coordinator whenever ten or more students/operators who have received a Letter of Admission wish to take the undergo examination. Requests must be made in writing to the Agency Operator-Certification-Unit-Supervisor at least six weeks in advance of the requested proposed examination date.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: EXAMINATION ELIGIBILITY

Section 680.301 Eligibility

a) Only those applicants who meet the eligibility and fee requirements outlined in Sections 4, 13, and 14 and 22 of the Law shall be eligible to take the undergo examination and shall receive a Letter of Admission Notice--of--eligibility to the classifications outlined in Section 13 of the Law, in accordance with the criteria mandated by the Law. Admission shall be based upon the evaluation of either a

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completed initial--or--Class-Revision application form and payment of the appropriate fee. Application forms shall be provided by the Agency.

b) Applicants who have had or have been exposed to typhoid fever or amoebic dysentery will be required to submit fecal samples to the Department of Public Health to determine whether or not the applicant is a carrier of the disease before examination admission is granted. Instructions and sample containers will be sent to the applicant, should exposure be indicated. If the applicant is a carrier, that applicant will not be admitted to the certification process.

c) Those applicants who fail to meet the eligibility requirements outlined in Sections 4, 13, 14 and 22 of the Law may request a reevaluation, not later than one year from the date the Agency received the application, without paying an additional fee.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.302 Applications

a) Applications for a initial--or--class--revision Certificate of Competency must be submitted to the Agency at least 45 forty-five--{45} days prior to the scheduled examination date. Applications must be complete before any decision regarding eligibility will be issued; applications must be accompanied by the non-refundable application review fee specified by Section 22 of the Law before review will be initiated.

b) The Agency shall notify applicants in writing of their eligibility for examination. Applicants--will--be--notified--in--writing--of--their--review status--eligible--applicants--will--be--requested--to--submit--an--examination fee--specified--by--Section--22--of--the--Law--(Ill-Rev--Stat--1987--ch--111-1/27--par--522).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.303 Eligibility Agency Determination

The Agency shall review all applications for certification and/or--class revision and shall determine the applicant's creditable experience on the basis of the information contained therein. Applications shall contain information as mandated by Sections 4, 14 and 16 of the Certification Law.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.304 Review of Determination

Each An applicant who does not agree with the Agency determination review of

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the applicant's his experience qualifications may write to the Agency requesting that the application be presented to the Advisory Board for its review and recommendation. The Advisory Board shall review each the application in accordance with the requirements set out in Sections 4, 14 and 16 of the Law, and shall make a recommendation to the Agency for reconsideration, or confirmation of the Agency determination evaluation.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.305 Examination Admission

- a) Each applicant Applicants will be admitted to one examination for which the applicant is eligible the---highest---and---att---lower classifications---to---which---their---accrued---experience---entitles---them. The applicant Applicants shall be sent a Letter of Admission stating all the classifications classification for which the applicant they is are eligible. Each applicant must designate one of the eligible classifications at the time of examination.
- b) Each applicant must present the Letter of Admission and one photo identification to the examination proctor to take the in-order-to undergo examination. The-examinee-must-sign-a-Statement-of-intent which-indicates-the-classification-which-the-examinee-has-selected-for examination-and-which-must-be-dated-and-signed-by-the-examinee.
- c) An applicant seeking to obtain a Letter of Admission for an additional examination for which the Agency has determined the applicant eligible must submit the appropriate fee to the Agency, and the Agency will issue a Letter of Admission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.306 Letters of Admission Expiration-of-Application

- a) Letters of Admission shall be valid for one examination and for up to one year from the date of issuance. Applications--for---initial certification--or-class-revision-shall-expire-one-year-after-filing-if the-applicant-has-not-taken-a-certification--examination--within---that time.
- b) In the event of expiration of the Letter of Admission, an applicant must submit the appropriate fee to the Agency and the Agency will issue a new Letter of Admission. Applications--for---initial certification--or-class-revision-shall-expire-one-year--subsequent--to the-applicant's-last-unsuccessful-certification-examination-attempt.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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SUBPART D: WRITTEN EXAMINATION

Section 680.401 Examination Classification

Examinations shall be administered based upon separate classifications.7 As as outlined in Section 13 of the Law, there shall be four classifications: Class A, Class B, Class C, and Class D. and-according-to-the-following-table:

if-not-now-Certified: if-requesting-Class-Revision:

Re- quered Exam Sec-	Re- quered Sub- sections	Now Holding Current Class	Re- quered Class	Re- quered Exam Sec-	Re- quered Sub- sections
A	b7c-d	*B*	*A*	A	---
B	c-d	*C*	*A*	B	---
B	---	*B*	*A*	C	---
		B	*A*	B	b7c
		B	*B*	B	c---
		B	*C*	E	---

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.402 Standards for Examination and Grading

- a) Examinations shall be valid and reliable in accordance with professional standards outlined by the American Psychological Association Standards for Educational and Psychological Tests and the Equal Employment Opportunity Commission Guidelines.
- b) The passing score for each examination shall be 70 percent of the points available. Sections-and-subsections-of-the-written-examination shall---be---graded---separately---The---passing---score---for---each section/subsection-shall-be-70-percent-of-the-points-available.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.403 Award of Certificate of Competency Successful-Completion

The Agency shall award a Certificate of Competency to each individual who has obtained a passing score on the examination. Each-section-and-subsection--taken as-indicated-in-the-Statement-of-intent-must-be-successfully-completed-in-order for-the-examinee-to-be-awarded-a-certificate-of-competency-in-that-or-any-other classification.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART E: REEXAMINATION

Section 680.501 Reexamination at Same Classification

An individual examinee who fails a any written examination may take any subsequent examination for which the individual is eligible upon payment of the appropriate fee be reexamined only in the classification indicated on the Statement of Intent. The examinee must retake only those sections and/or subsections which were not successfully completed on a prior attempt.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.502 Alternate Classification (Repealed)

An examinee initially failing an examination in a classification who desires admission to an alternate classification of examination must reapply and begin the application and examination process anew.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 680.503 Reexamination Fee

An individual examinee who is required by Section 22 of the Law to submit a reexamination fee must submit that fee at least 21 twenty-one (21) days prior to the next scheduled examination date in order to receive a Letter of Admission admission to that examination session.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: RECIPROCITY

Section 680.601 Application for Reciprocal Certification

All applicants for reciprocity must complete the Illinois application requirements, must meet all eligibility and fee requirements outlined in Sections 4, 13, 14 and 22 of the Law and must indicate the classification of Illinois certification for which application is being made.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.603 Personal Interview (Repealed)

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A personal interview conducted by Agency engineering personnel possessing expertise in Illinois water supply operation and regulation must be conducted with the applicant at a time and location mutually agreeable to both parties. This interview shall be based upon the determination of the applicant's familiarity with Illinois requirements and general operating knowledge. The interviewing engineer will then write a report which shall be attached to the application for certification and which will be presented to the Advisory Board as a part of the application packet.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 680.604 Reciprocity Determination Review By Advisory Board

a) An applicant for a Class A, Class B, Class C, or Class D Certificate of Competency who possesses a valid certificate issued under the laws of another state will be issued a Certificate of Competency, without examination, provided:

1) The Agency may determine by reviewing the other state's requirements that the applicant has met minimum standards equivalent to or more stringent than the standards specified in Sections 4, 13, 14 and 22 of the Law, respectively, prior to receiving the certificate from the other state;

2) The state that issued the certificate to the applicant accepts, by reciprocity, certificates issued by the Agency; and

3) The applicant resides in Illinois or is employed at a public water supply in Illinois.

b) An applicant satisfying subsections (a)(1) and (a)(2) above, but failing to meet the residency requirements of subsection (a)(3) above, shall be issued a notice of intent to grant reciprocity. Should that applicant fail to meet the requirements outlined in subsection (a)(3) above within 90 days after issuance of the notice, the notice shall become void.

c) Applications for reciprocity described in Section 680.601 shall be reviewed by the Agency as follows:

1) The Agency shall review each applicant's education and experience to determine the levels of certification examination for which the applicant is eligible pursuant to Subpart C of this Part;

2) An applicant for reciprocity shall be notified of, and given the option to take, the certification examinations for which the applicant qualifies;

3) The Agency shall contact the certifying officials from the other state to determine the level of certification of each applicant for reciprocity and whether the certificates are currently valid;

4) The Agency shall compare the applicant's qualifications and the other state's eligibility requirements for certification with those described in Subpart C of this Part to determine if the requirements of subsection (a) above are fulfilled; if so,

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reciprocity shall be granted at the appropriate level;

- 5) If it is determined that reciprocity should be granted, the Agency shall issue the appropriate level Certificate of Competency to the applicant and shall notify the certifying official from the other state; and
- 6) If it is determined that reciprocity should not be granted, the Agency shall notify the applicant and the certifying official from the other state, and provide reasons for the decision.
- d) If a Certificate of Competency that has been issued through reciprocity is suspended or revoked pursuant to Subpart G of this Part, the Agency shall notify the certifying official from the other state.
- e) An applicant who is denied reciprocity or is given a lower level of eligibility than the one requested shall have an opportunity for a hearing with the Advisory Board. The applicant for reciprocity may seek review of the Agency determination by the Advisory Board. The Advisory Board shall review the determination and provide a recommendation to the Agency.

~~The entire application packet shall be reviewed by the Advisory Board for its recommendation as to whether or not reciprocity is to be granted, and, if not at which level. The Advisory Board shall respond within 60 days of receipt of the packet.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.605 Change in Classification

An applicant for reciprocity whose accrued experience entitles admission to the highest level or a higher level of Illinois certification, but whose previous classification and examination entitles the applicant to a lower level of reciprocal certification, will be admitted to examination at the higher level(s) upon payment of the subsequent examination fee, pursuant to Section 22 of the Law as a class revision applicant. The applicant will receive reciprocal certification at the lower level at the same time as examination admission to the higher level(s) of certification is granted.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART G: SANCTIONS SUSPENSION AND REVOCATION

Section 680.701 Causes

Certificates of Competency shall be subject to sanctions of revocation or suspension upon a showing of cause by a preponderance of the evidence. Such sanctions shall not be a bar to any civil or criminal proceedings. Causes for sanction shall include but are not limited to:

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~~Any person may seek suspension/revocation of a Certificate of Competency for cause. Cause shall include the following:~~

- a) having obtained or attempted to obtain, renew or restore a Certificate of Competency by fraud or deceit;
- b) any gross negligence, or gross misconduct, or incompetency in the operation of a public water supply;
- c) falsification of reports required to be submitted to the Agency;
- d) willful violation of the Environmental Protection Act or any rules thereunder; and
- e) a final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts listed in subsections (a) through (d) above.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.702 Procedures Procedure

- a) Any person may initiate the procedure for sanction by filing a written complaint with the Agency. The complaint shall state the name and address of the complainant, the name of the operator and all information that supports the complaint. If the Agency determines that the complaint is duplicitous or frivolous, it shall notify the person filing the complaint but shall take no further action. ~~The Agency may initiate the suspension/revocation procedure.~~

- b) If the Agency determines that a sanction procedure is warranted, either on the basis of a valid complaint or on its own motion, it shall notify the operator by certified mail. ~~Any person may initiate the procedure for suspension/revocation of any operator's Certificate of Competency by filing a sworn written complaint with the Agency. If the Agency determines that the complaint is duplicitous or frivolous, it shall notify the person filing the complaint but shall take no further action.~~

- c) When the suspension/revocation procedure is warranted, the Agency shall notify the operator by certified mail that suspension/revocation is being sought. Such notice shall specify the cause for upon which sanction suspension/revocation is sought and shall meet the requirements of the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168 include the procedures for requesting a hearing before the Agency.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.703 Hearing and Decision

- a) Should a hearing be requested, the Director shall appoint one or more persons to act as hearing officers ~~Agency employees to chairs~~

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proceedings. The hearing shall be conducted in accordance with the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168 ~~hearing-requirements-of--the--Illinois--Administrative--Procedure--Act~~ ~~(111--Rev--Stat--1979--ch--127--pars--1010-1016).~~

b) The Advisory Board shall be notified of the hearing. A copy of the hearing transcript shall be sent to the operator and to the Advisory Board. The Agency shall ~~pay~~ ~~with--their~~ the cost of providing transcripts.

c) The Advisory Board shall recommend on the basis of the hearing transcript whether sanction is appropriate. If the Advisory Board determines that a certificate should be revoked or suspended, it may, at its option, recommend a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. This recommendation shall be submitted in writing to the operator and the Director within 30 days after receipt of transcripts and shall include a statement of reasons for the Advisory Board's actions. If the recommendation is not sent to the Director within 30 days, the Director shall proceed pursuant to subsection (d) below. ~~The--Certification--Advisory-Board--shall--prepare--its--recommendation--as--to--the--disposition--of--the--suspension/revocation--action--and--submit--its--recommendation--to--the--operator--and--the--Agency--within--30--days--after--receipt--of--transcripts--~~

d) The Director shall make a decision on the basis of the contested case record. If the Director determines sanction is appropriate, a decision shall be issued suspending or revoking the certificate. This decision shall state a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. The Director shall give written notice of the decision and the reasons to the operator by certified mail.

e) If a hearing is not requested, or if the operator does not respond to the notice prepared pursuant to Section 680.702, the Director shall assume all facts contained in the notice are true and shall base the decision on this notice. This decision shall be made within 30 days after the deadline stated in this notice and shall state a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. The Director shall give written notice of the decision and the reasons to the operator by certified mail.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.704 Sanctions Decision

a) The decision between revocation and suspension shall be based on the following:

1) The severity of the violations that led to the sanction including:

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A) The frequency or duration of the violations; and
B) The impact on the public water supply's ability to provide water that is assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

2) The recalcitrance of the operator in preventing the recurrence of the violations; and

3) Any other mitigating or aggravating factors.

b) If a Certificate of Competency is suspended, it shall be considered void for a period of time not to exceed a year and a half. This period shall be set according to the factors listed in subsection (a). Experience obtained during this period shall not be credited towards meeting the requirements described in Subpart C and Section 14 of the Act. At the end of this period the suspended certificate shall be considered valid.

c) If a Certificate of Competency is revoked, the operator may not reapply for any certificate for a period of not less than one and a half years but not more than four years. This period shall be set according to the factors listed in subsection (a).

d) After a Certificate of Competency is revoked, an operator may not apply for a certificate until after the period set pursuant to subsection (c) above has elapsed. In order to obtain a certificate the operator must successfully complete a written examination for the class certificate sought and meet the requirements of Sections 4, 13, 14, 16, and 22 of the Act. Education and experience gained prior to revocation shall be credited towards meeting the requirements described in Subpart C. However, any experience obtained during the period set pursuant to subsection (c) above will not be credited towards certification.

~~The-Director--shall--make--a--decision--within--30--days--after--receiving--the--recommendation--of--the-Advisory-Board--The-Director--shall--give--written--notice--of--that--decision--and--reasons--for--that--decision--to--the--operator--by--certified--mail--~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 680.705 Appeal

Within 35 30 days after of receipt of a notice of sanction ~~suspension/revocation~~ from the Agency, the operator may appeal the ~~suspension/revocation~~ to the Pollution Control Board. The suspension/revocation of the operator's Certificate of Competency shall be stayed pending a final decision on the appeal by the Pollution Control Board.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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SUBPART H: CERTIFICATE RENEWAL, RESTORATION, AND REQUIRED TRAINING

Section 680.801 Certificate Expiration

Drinking water operator certificates are issued for a period of 3 years with the expiration date being 3 years from July 1 of the calendar year in which the certificate was issued.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.802 Certificate Renewal

By May 31 of the year a certificate is due to expire, the Illinois EPA will mail a Renewal Application Form to the operator at the most recent address the Agency has on file for the operator. The Renewal Application Form will specify the certificate expiration date, fees due, training requirements for certificate renewal, and an itemization of the completed training on file with the Agency. The operator is responsible for itemizing any additional accumulated training hours (completed training not previously submitted to the Agency) on the renewal application by documenting the following information for each completed training activity:

Training provider name;
Name of course or training event;
Training description or course content summary;
Drinking water related competencies developed or maintained;
Location of training;
Dates of training (beginning and ending); and
Training hours completed.

After completing the required information, the operator is responsible for signing the Renewal Application Form and returning it along with the appropriate fees to the Agency on or before June 30. A grace period for submitting the completed Renewal Application Form will be granted until August 1 before the restoration fee is assessed.

The completed Renewal Application Form will contain a certification statement to be signed by the operator to certify that all information provided in the Renewal Application Form is true and complete. The Agency will not process Renewal Application Forms that are not signed by the operators seeking renewal. Falsification of a Renewal Application Form will result in denial of certificate renewal and/or certificate revocation. Failure to receive the renewal application does not exempt a certified water supply operator from meeting the renewal deadline.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 680.803 Renewal Application Filing Deadlines

- a) A certified water supply operator shall complete the renewal application with the required information and submit the application with appropriate fees to the Agency on or before June 30 of the year in which the certificate expires. A grace period for renewal will be granted until August 1 of that year before the restoration fee is assessed. No renewal shall be issued by the Agency after August 1.
- b) Expired certificates shall have no validity.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.804 Renewal Training Requirements

Certified drinking water operators are required to obtain a specified amount of training in order to qualify for certificate renewal. Class A and Class B operators are required to obtain 30 hours of training and Class C and Class D operators are required to obtain 15 hours of training during the 3 year certificate period before the certificate expiration date. Training hours are required for renewal or restoration of certificates that expire after July 1, 2002.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.805 Restoration of Expired Certificates

An individual whose certificate has been expired for less than 2 years may have the certificate restored only upon payment of the required restoration fee and upon a demonstration that the required training has been completed, as required by Section 680.804 of this Subpart. A restored certificate expires on the original certificate expiration date. An individual whose certificate has been expired for 2 or more years must reapply and obtain a passing score on an examination in order to be certified as a water supply operator.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.806 Training Criteria

Specific training sessions, courses, meetings, etc. must meet all of the following criteria to be accepted for certificate renewal:

- a) The training must directly relate to water distribution, water treatment, or the professional responsibilities of the operator. Allowable training topics include but are not limited to:

Coagulation and Flocculation

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Corrosion Control
 Demineralization
 Disinfection
 Distribution System Facilities
 Distribution System
 Operation and Maintenance
 Drinking Water Related Computer Courses
 Drinking Water Permits, Laws, Rules, and Regulations
 Electrical Maintenance
 Emergency Planning and Preparation
 Filtration
 Fluoridation
 Ground Water Protection
 Ground Water Treatment
 Instrumentation
 Iron and Manganese Control
 Laboratory Procedures
 Membrane Technology
 Process Waste Handling and Disposal
 Pumps and Hydraulics
 Reservoir Management and Intake Structures
 Reverse Osmosis
 Safety
 Sampling and Operating Reports
 Sedimentation
 Surface Water Treatment
 Surface Water Protection
 Taste and Odor Control
 Trihalomethanes
 Utility Administration Management
 Water Quality
 Water Softening
 Water Sources & Treatment
 Water Storage Facilities
 Water Supply Math and Chemistry
 Water Supply Operation and Maintenance
 Wells

b) Training may be provided by any of the variety of organizations equipped to provide such training, such as colleges and universities, technical institutes, educational units of governmental or industrial agencies, professional operator organizations, and equipment suppliers and manufacturers. Training that meets the criteria, regardless of the location of the training or training provider, is allowed for renewal training credit. For example, drinking water related training from another state will be allowed for credit provided the criteria is met. In-house training programs provided at drinking water supplies are also allowed for training credit provided all training criteria

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are met and proof of training documentation is provided to the trainees.

c) Acceptable training formats include classroom courses, teleconferences, courses offered via the Internet, workshops, seminars, correspondence courses, in-house training programs, and drinking water related training sessions at conferences/meetings of professional operator organizations. Training credit is also allowed for teachers or presenters of training for the first time a course is taught or a drinking water related presentation is made.

d) Training providers, or training sponsors, must provide proof of training documentation to trainees in order for the training to be accepted for certificate renewal. Training providers, or training sponsors, may request pre-approval of training by submitting a Training Provider Application for Course/Training Event Approval Form to the Agency.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.807 Proof of Training Records, Record Keeping, Audits

Certified water supply operators are required to maintain their own proof of training records for a period of 4 years. The Agency may audit proof of training records by random selection or when additional information is required. Failure to provide proof of training documentation when specifically requested by the Agency may result in denial of certificate renewal, denial of certificate restoration, or certificate revocation. Proof of training records must include:

- Records showing the name of the course or training activity, name of the training provider, the instructor's or speaker's name, the location of training, the dates of training, and the total training hours completed (specified actual hours, Continuing Education Units, or Quarter Hours/Semester Hours);
- A program/course outline, conference/meeting agenda, or narrative summary of training;
- Attendance verification records, such as completion certificates, diplomas, grade slips, registration payment receipts, or other documents to verify attendance for training where official documents are provided, or name, address, and telephone number of training provider where official documents are not provided.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.808 Training Exclusions

Types of training activities that will be excluded from renewal training credit are those that do not directly relate to water distribution, water treatment,

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or the professional responsibilities of the operator. The following are not considered training for the purpose of meeting the certificate renewal training requirements:

Entertainment or recreational activities;
On the job work or apprenticeships;
Personal self-improvement courses;
Plant tours (unless drinking water related training is integrated into the tour);
Portions of meetings and conferences when drinking water related training is not provided (i.e., business session, lunch, breaks, etc.);
Time spent viewing conference/meeting exhibits; and
Travel time to and from training activities.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.809 Meetings and Conferences of Professional Operator Organizations

Operators may receive training credit for certificate renewal by attending training sessions presented at meetings and conferences of professional operator organizations. In order to receive training credit, each training session attended during a meeting or conference must be identified and included on an Operator Training Submission Form provided by the Agency.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.810 Submission of Training Hours

Operators may submit completed training for renewal credit to the Agency using Operator Training Submission Forms provided by the Agency. Submission of training hours must occur prior to certificate renewal. The operator is responsible for documenting accumulated training hours on the Operator Training Submission Forms by providing the same documentation as described in Section 680.802 of this Subpart.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.811 Waiver of Required Training

In an extreme hardship case, and upon recommendation of the Advisory Board, the Agency may grant a waiver from the renewal training requirement when it is demonstrated and documented that it was impossible for an operator to obtain the required training. Examples of extreme hardship may include serious

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medical conditions or extended military service. Individuals applying for a training waiver must provide the Agency with a written request for an Advisory Board review within 2 years after the certificate expiration date.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.812 Issuance of Renewed and Restored Certificates

The Agency will reissue or restore certification when the Agency has determined that the applicant has satisfied all applicable certification requirements and has paid all applicable fees.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 680.813 Contested Renewal, Restoration, and Training Determinations

Operators, training providers, and training sponsors may contest Agency determinations regarding denial of certificate renewal or restoration, denial of training credit, and determinations regarding the amount of training credit to be awarded for a specific training event. Contested Agency determinations will be forwarded to the Advisory Board for recommendation. Individuals contesting an Agency determination must provide the Agency with a written request for an Advisory Board review within 30 days after the Agency determination. The written request shall state the name and address of the individual, the Agency determination being contested, and all information to support the individual's position.

(Source: Added at 24 Ill. Reg. _____, effective _____)

SUBPART I: GRANDPARENTING

Section 680.901 Grandparenting

- The registered person in responsible charge of a previously-exempt community water supply on the effective date of the Law (September 6, 1990) may be issued a Certificate of Competency, with no fee required, after the effective date of the Law, for the community water supply for which the individual is registered. The community water supply owner must make application for grandparenting of the operators in responsible charge within 2 years after the effective date of the Law. This certificate is non-transferable, site specific, and is not valid if the water system is reclassified to a higher level.
- For the initial renewal of a Certificate of Competency issued under this Section, the operators must successfully complete designated training provided by the Agency and pay the required renewal fee in

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accordance with Section 22 of the Law.

- c) For subsequent renewal of a Certificate of Competency issued under this Section, the operators may renew every 3 years in accordance with Sections 18 and 22 of the Law.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer

2) Code Citation: 86 Ill. Adm. Code 750

3) Section Numbers: _____
750.400 Proposed Action:
Amendment

4) Statutory Authority: 35 ILCS 120

- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will allow service groups or other agents of taxpayers to submit, on behalf of taxpayers, authorization agreements to make tax payments through the use of electronic funds transfer. The service groups or other agents must obtain a Power of Attorney from each of those taxpayers and retain them in their books and records.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
750.100	12/4/98	22 Ill. Reg. 20797
750.300	12/4/98	22 Ill. Reg. 20797
750.500	12/4/98	22 Ill. Reg. 20797
750.600	12/4/98	22 Ill. Reg. 20797

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Terry Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Service groups or other agents of taxpayers.
- B) Reporting, bookkeeping or other procedures required for compliance:
None, except the retention of a Power of Attorney from each taxpayer.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999
- The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 750

PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section

750.100	Scope of the Program and Rules
750.200	Definitions
750.300	Payments Required to be Paid by Electronic Funds Transfer
750.400	Eligibility Determination and Taxpayer Notification
750.500	Voluntary Program Participation
750.600	Methods of Electronic Funds Transfer Payment
750.700	Payment Transmission Errors
750.800	Department Notification Requirement
750.900	Due Date; General Provisions

AUTHORITY: Implementing and authorized by the Retailers' Occupation Tax Act [35 ILCS 120].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5847, effective May 3, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 750.400 Eligibility Determination and Taxpayer Notification

Beginning in 1993, before August 1, the Department shall notify all taxpayers required to make payments by electronic funds transfer. For all years after 1993, the Department will notify, before August 1, only those taxpayers who become required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer, and all taxpayers accepted for voluntary participation in the program, must complete an authorization agreement for electronic funds transfer (Department Form EFT-1). Taxpayers who use service groups or other agents to make tax payments remain responsible for completing the authorization agreement. Service groups or other agents may submit authorization agreements on behalf of taxpayers who have executed a valid Power of Attorney, Department Form IL-2848E, authorizing those service groups or other agents to complete the authorization agreements and to make tax payments through the use of electronic funds transfer on behalf of those taxpayers. However, all service groups or agents submitting authorization agreements on behalf of taxpayers must retain in their books and records a valid Power of Attorney, Department Form IL-2848E, for each taxpayer that authorizes the service group or other agents to complete the electronic funds transfer authorization, EFT-1, on behalf of those taxpayers. All service groups or other agents that are required to retain the Powers of Attorney under this Section shall make those Powers of Attorney available to the Department

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upon request of the Department. ~~Service groups or agents may not sign the authorization agreement on behalf of taxpayers.~~ All taxpayers required or permitted to make payments by electronic funds transfer shall make such payments for a minimum of one year beginning on October 1.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Purchasing Practices and Procedures and General Provisions for the Purchase of Materials, Equipment and Services

2) Code Citation: 44 Ill. Adm. Code 1200

3) Section Numbers:

1200.10	Proposed Action:
1200.110	Repealed
1200.210	Repealed
1200.220	Repealed
1200.230	Repealed
1200.240	Repealed
1200.250	Repealed
1200.260	Repealed
1200.270	Repealed
1200.305	Repealed
1200.310	Repealed
1200.320	Repealed
1200.330	Repealed
1200.340	Repealed
1200.350	Repealed
1200.360	Repealed
1200.370	Repealed
1200.380	Repealed
1200.390	Repealed
1200.395	Repealed
1200.410	Repealed
1200.420	Repealed
1200.430	Repealed
1200.440	Repealed
1200.450	Repealed
1200.455	Repealed
1200.460	Repealed
1200.465	Repealed
1200.470	Repealed
1200.475	Repealed
1200.480	Repealed
1200.485	Repealed
1200.490	Repealed
1200.495	Repealed
1200.497	Repealed
1200.510	Repealed
1200.520	Repealed
1200.530	Repealed
1200.540	Repealed
1200.550	Repealed
1200.560	Repealed
1200.570	Repealed

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APPENDIX A

Repealed

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 121, par. 100-16.1 et seq., [605 ILCS 10/16.1]

5) A Complete Description of the Subjects and Issues Involved: This Part repeals certain internal purchasing practices and procedures as found at 44 Ill. Adm. Code 1200 applicable to procurement authority granted by the Tollway Act for the construction, regulation and maintenance of a toll highway or system of toll highways...and confer and vest in the Authority to carry out its legislative purposes. Such related purchasing practices and procedures are generally found at 44 Ill. Adm. Code 1200.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed repealer does not create or enlarge a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on these proposed rules may submit written comments within 45 days of the publication of this notice in the *Illinois Register* to:

Ms. Katherine L. Nee, Chief Counsel
Special Assistant Attorney General
Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, Illinois 60515
(630)241-6800 Ext. 1500

All written comments received within 45 days of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

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C) Types of professional skills necessary for compliance: None

The full text of the Proposed Repealer begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENTSUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XVII: STATE TOLL HIGHWAY AUTHORITYPART 1200
PURCHASING PRACTICES AND PROCEDURES AND GENERAL PROVISIONS
FOR THE PURCHASE OF MATERIALS, EQUIPMENT AND SERVICES (REPEALED)

SUBPART A: PRELIMINARY STATEMENT

Section
1200.10 Statutory Requirements

SUBPART B: DEFINITIONS OF TERMS

Section
1200.110 Definitions

SUBPART C: PROCEDURES FOR BEING PLACED ON BIDDERS' LIST
AND FOR SEALED BIDDING

Section
1200.210 Bidders' List
1200.220 Removal or Suspension From List
1200.230 Solicitation of Bids
1200.240 Policy Concerning Solicitation of Bids
1200.250 Grounds for Rejection of Bids
1200.260 Handling of Sealed Bids
1200.270 Handling of Purchases Obtained by Other Than Sealed Bids

SUBPART D: GENERAL PROVISIONS FOR THE PURCHASE OF MATERIALS,
EQUIPMENT AND SERVICES APPLICABLE TO ALL PURCHASE CONTRACTS

Section
1200.305 Applicability
1200.310 Samples
1200.320 Delivery
1200.330 Bonds
1200.340 Inspection
1200.350 Assignments
1200.360 Cancellation and Termination
1200.370 Invoicing and Discounts
1200.380 Taxes: State and Municipal
1200.390 Federal Taxes
1200.395 Supplementary Purchases

SUBPART E: GENERAL PROVISIONS FOR THE PURCHASE OF MATERIALS,

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EQUIPMENT AND CONTRACT SERVICES BY SEALED BIDDING

Section
1200.410 Bid Deposit
1200.420 Preparation of Sealed Bids
1200.430 Competency of Bidder
1200.440 Submission of Sealed Bids
1200.450 Execution of Contract
1200.455 Bonds
1200.460 Requirement of Contract Bonds
1200.465 Failure to Furnish Bonds
1200.470 Awards
1200.475 Notification of Award
1200.480 Rejection of Bids
1200.485 Furnishing of Addenda
1200.490 Acknowledgement of Receipt of Addenda
1200.495 Disqualification of Bidders
1200.497 Inspection

SUBPART F: GENERAL PROVISIONS - PURCHASE OF SERVICES

Section
1200.510 Bid Requirements and Conditions
1200.520 Scope of Work
1200.530 Control of the Work
1200.540 Control of Materials
1200.550 Legal Relations and Responsibility to the Public
1200.560 Prosecution and Progress
1200.570 Measurement and Payment

APPENDIX A Locations of Authority Facilities

AUTHORITY: Implementing and authorized by "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Authority, and to define its powers and duties, and to repeal an Act therein named" (Ill. Rev. Stat. 1983, ch. 121, pars. 100-1 et seq.).

SOURCE: Effective May 18, 1971; codified at 8 Ill. Reg. 19588; repealed at 24 Ill. Reg. _____, effective _____.

SUBPART A: PRELIMINARY STATEMENT

Section 1200.10 Statutory Requirements

- a) Chapter 121, Section 100-16.1 of the Illinois Revised Statutes 1969 provides that the Authority shall promulgate rules to govern all purchases of materials, equipment and services, and it specifically

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requires sealed bidding after public advertisement for the purchase of such materials, equipment and services, except:

- 1) Purchases of \$1,500, or less
- 2) Emergency purchases, any amount upon the filing of an emergency affidavit.
- 3) Purchase of certain goods or services economically procurable from only a single source.
- 4) Services requiring professional, technical or artistic skills.
- 5) Expenditures for personal services.
- 6) Services required for advertising, promotion and public relations.
- 7) Particular make and brand specified by Authority resolution where competition pursuant to public advertising is not effective.
- 8) Contracts for insurance, fidelity and surety bonds.
- b) The Authority has, therefore, adopted the Rules and Regulations as hereinafter set forth covering:
 - 1) Procedures for sealed bidding (formal)
 - 2) Procedures for open bidding (informal)
- c) The Authority has also formulated the General Provisions as set forth in, Subparts D, E, and F.
- d) In adopting these Rules the Authority has sought to establish workable, businesslike and efficient purchasing procedures, and it is recommended that persons wishing to sell materials, equipment and services to the Authority familiarize themselves with these Rules as all contracts entered into by the Authority shall be subject to these Rules (including the General Provisions), the same as if they were in fact attached to the Purchase Order.
- e) Any contract entered into for expenditures of Authority funds made in violation of the Statutes or the Rules and General Provisions is void and of no effect.
- f) Anyone desiring further information regarding these Rules (including the General provisions) should contact the Purchasing Department.

SUBPART B: DEFINITIONS OF TERMS

Section 1200.110 Definitions

Addendum - Written interpretation or modification by the Authority of any of the contract documents.

Advertisement for Bids - The published public announcement inviting contractors and suppliers to submit bids for purchases by the Authority of materials, equipment and services on which bids are to be considered.

Authority - The Illinois State Toll Highway Authority.

Award - For all services and supplies written notification by means of an

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Authority Purchase Order authorizing the contractor to proceed. For construction contracts see Standard Specifications.

Bid - An offer (whether formal or informal) submitted on the prescribed form, and properly executed.
 formal bid: a sealed bid submitting in response to a publicly advertised notice of purchase or to an "Invitation to Bid."
 informal bid: an unadvertised bid submitted in response to a "Request for Quotation" in an estimated amount of less than \$1,500.

Bidder - An individual, firm, partnership, or corporation, or any combination thereof, submitting a bid.

Bid Form - The Authority Form on which bids are to be submitted.

Bidders' List - Bidders' List is a list of persons or firms approved, by the Purchasing Department, as capable of supplying the Authority's requirements for various commodities or services.

Buyer - The representative of the Purchasing Agent

Cash Discount - Cash Discount is a discount or allowance deductible from the total amount of the invoice, for payment within a specified number of days.

Commodity - Commodity is an item of supplies or material. The terms commodities, supplies, services and materials may be used interchangeably.

Contract - An agreement between the Authority and a supplier or contractor to deliver materials and/or to perform work as specified on the Purchase Order and other contract documents.

Contract Bonds - The bonds required by the Authority to insure performance and compliance with the terms and conditions of the contract.

Contract Documents - All the documents enumerated in the "Invitation and Instructions to Bidders."

Contract Period - The period established by the Authority for the performance of the contract.

Contractor - The individual, firm, partnership or corporation, or any combination thereof, who has entered into a contract with the Authority, and who has thereby undertaken to deliver materials, equipment, or to perform work.

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Extra Work - Additional items authorized by the Authority not included in the original contract.

General Provisions - Provisions that shall apply to all contracts unless specifically exempted in the Special Provisions.

Inclusive Project - Inclusive Project is a project in which a lump sum is bid for the entire work or service to be performed.

Invitation to Bid - Invitation to Bid is the formal document which indicates the terms, conditions, and specifications of an order and the date and time on which bids will be opened.

Person - Person is any individual or any partnership, corporation, association, or other organized group of individuals.

Pronouns Construed - The pronouns "he", "his", and "him" are construed to mean the appropriate pronoun form (depending on the context) applicable to the person in question. For example, "he", "his", and "him" shall be read as "they", "their" and "them" if the bidder is a partnership or the appropriate form of "it" if the bidder is a corporation.

Property - Property is supplies, materials, equipment, or real estate purchased for the Authority.

Proprietary Items - A proprietary item is an item made and marketed by one having the exclusive right to manufacture and sell.

Purchasing Agent - The Administrator of Purchasing of the Illinois State Toll Highway Authority.

Purchase Order - The formal printed order of the Authority signed by the Purchasing Agent and approved as to form and constitutionality by the Attorney General or their duly authorized representative setting forth the materials to be delivered, work to be performed or both and other necessary descriptive information.

Quantity Discount - Quantity discount is a discount allowed by the bidder for specified quantities of the item.

Requisitioning Department - is any Department of the Authority that submits a requisition to the Purchasing Department asking for the purchase of commodities or equipment.

Responsive Bidder - Responsive Bidder is a firm or person who is financially responsible, who can deliver promptly, and perform reliably under any contract awarded by the Authority.

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Special Provisions - Special clauses, directions and requirements supplemental to the General provisions, setting forth requirements peculiar to the specific work described in the contract.

Specifications - The general term comprising the directions, provisions and requirements pertaining to the methods and manner of performing the work, or to the quantities and qualities of materials, products, and equipment to be furnished under the contract.

Surety - The corporate body, qualified to act as surety in the State of Illinois, which body agrees in the bid bond, to pay to the Authority the face amount thereof if the bidder fails to execute the contract, or which is bound in the performance bond with and for the contractor to insure his acceptable performance of the work; or which is bound in the payment bond for the payment of all obligations pertaining to the work, and his fulfillment of such other conditions as may be specified or otherwise required by law.

Testing Agency - An independent commercial testing laboratory or inspection company engaged by the Authority for testing or inspection of the work.

The Work - The delivery of materials and equipment, the performance or work, or both, as specified by the Authority.

Tie Bid - Tie Bid is a bid by two or more vendors that offer the same price, terms, same conditions, and same specifications and are the lowest responsive bidders.

Trade Discount - Trade discount is a special discount allowed by the bidder to special classes of customers.

Vendor - Vendor means any person who may sell commodities or equipment to the Authority.

SUBPART C: PROCEDURES FOR BEING PLACED ON BIDDERS' LIST AND FOR SEALED BIDDING

Section 1200.210 Bidders' List

- a) Requests from contractors to be placed on the "Bid List" should be made to the Purchasing Agent by letter or in person.
- b) The Purchasing Agent will provide the contractor with an application blank asking for the form of organization, bank references, sources of supply, materials or services offered, and relevant information. The contractor may also be asked to submit a financial statement.
- c) If the application and financial statement (where required) give sufficient evidence of his financial and business responsibility, his

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name will be placed on the bidder's list.

Section 1200.220 Removal or Suspension From List

- a) The Purchasing Agent may remove any bidder from a bidders' list or suspend him from bidding for a specified period of time, not to exceed one year, for any of the following reasons. The bidder will be given due notice of such removal or suspension.
 - 1) Delivery of commodities or equipment which do not comply with specifications of the contract or the Authority.
 - 2) Failure to make delivery within the time specified.
 - 3) Failure to keep offer firm for length of time specified in the bid or as required by the Authority's Rules.
 - 4) Collusion with other bidders or prospective bidders to restrain competitive bidding.
 - 5) Any other violation of these rules
 - 6) Inclusion of information in an application for bidders' list that is later found to be false or materially misleading.
 - 7) Substitution of materials, even though of equal quality, without first securing the written consent of the Purchasing Agent.
 - 8) Bankruptcy or other evidence of insolvency of the bidder.
 - 9) Any other facts causing substantial doubt as to whether the bidder will continue to be a responsible bidder.
 - 10) Any violation of the Illinois Business Corporation Act or any other law of the State of Illinois which would make it inadvisable for the Authority to deal with said bidder.
 - 11) Two consecutive failures to respond to invitations to bid.
- b) Explanation by bidder

After receiving notice of removal or suspension, the bidder may submit an explanation of the circumstances which were the cause of the removal or suspension order, or may show that such circumstances have been corrected. The Purchasing Agent may then modify or rescind the removal or suspension, provided, however, that failure of a manufacturer or supplier to furnish the commodity or equipment bid upon or any part thereof shall not relieve the bidder of responsibility.

Section 1200.230 Solicitation of Bids

- a) General newspaper advertisement. (In Purchases Exceeding \$1,500)

The Purchasing Agent is required to advertise for certain purchases in a daily secular newspaper of general circulation published in the City of Chicago, Illinois, and/or in one or more newspaper published in cities located in counties of the State through which the Tollway passes. The advertisements will explain that bid forms and full information may be obtained from the Purchasing Agent.
- b) Invitations to bid

When the Purchasing Agent is ready to entertain bids, he will send out

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"invitations to bid" to persons or firms on the bidders' list and to persons responding to the advertisement.

- 1) Invitations will state:
 - A) Description of the materials, equipment or services to be purchased.
 - B) Quantity to be purchased. This may be a specified quantity, requirements during a certain period, or a specified quantity with the right reserved by the Authority to increase or decrease the quantity.
 - C) Specifications (if any).
 - D) Installation, maintenance or repair services to be provided (if any).
 - E) Delivery points and date(s) of delivery.
 - F) All other terms and conditions.
- 2) Invitations to bid will be mailed to prospective bidders. In emergencies, the Purchasing Agent may request bids by telephone or telegram.
- c) Bids sometimes individually requested.

If the number of persons or firms who are likely to bid in response to a particular invitation to bid may not be large enough to provide adequate competitive bidding, the Purchasing Agent may also request bids from other responsible persons or firms who might submit bids advantageous to the Authority.

Section 1200.240 Policy Concerning Solicitation of Bids

- a) Competition encouraged.

Invitations to bid will be sent to prospective bidders in sufficient time and in such form to permit full and free competition. Specifications, restrictions or conditions which have the effect of limiting bidding to only one source of supply will be avoided.
- b) Invitations to bid.

Invitations to bid will be sent to persons or firms on the bidders' list and to other qualified bidders when necessary.
- c) Geographical limitations

Invitations to bid may be confined to bidders in a limited geographical area, where the best interest of the Authority will be served by so doing.

Section 1200.250 Grounds for Rejection of Bids

- a) Prohibited contracts. Any bid, the acceptance of which, would result in any of the following prohibited types of contracts will be rejected:
 - 1) Article 4-15 of the Illinois Constitution provides in part: "...nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any County thereof, authorized by any law

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passed during the term for which he shall have been elected, or within one year after the expiration thereof."

- 2) Chapter 121 Section 100-28.1 of the Toll Highway Act provides: "*No director or officer of the Authority shall be interested, directly or indirectly, in any contract, agreement, lease, work or business of the Authority, or in the sale of any article whenever the expense, price or consideration of the contract, agreement, lease work, business or sale is paid by the Authority. No director or officer of the Authority shall be interested, directly or indirectly, in the purchase, sale or lease of any property which (1) belongs to the Authority, (2) is sold, leased or any interest there in is acquired by the Authority, or (3) is sold by virtue of legal process at the suit of the Authority.*"

- b) Attempt to influence award.

No person who submits or intends to submit a bid shall give or offer to give, directly or indirectly, any money, article, or other thing of value to any director, officer or employee of the Authority. Any violations shall result in the rejection of his bid and being barred from further bidding for a period not to exceed one year (also see Section IV - Paragraph 6 - Cancellations). The Purchasing Agent shall notify the Attorney General of any violation of this paragraph, in order that appropriate action may be taken.

- c) Collusive bids.

If there is reason to believe there is an agreement among bidders, to restrain competitive bidding by establishing a fixed price or by any other means, the bids of all such bidders shall be rejected, and the bidders and prospective bidders shall be barred from further bidding for a period of time not to exceed one year. (Also see Section I - Paragraph 6 - Cancellations.) The Purchasing Agent shall notify the Attorney General of the facts upon which such rejection is based, in order that he may take such action as he deems appropriate.

- d) Rejection of all bids.

Bids may be rejected and invitations to bid containing similar specifications, terms and conditions may be re-issued. The Purchasing Agent shall notify said bidders.

Section 1200.260 Handling of Sealed Bids

- a) All sealed bids shall be publicly opened and read aloud, and recorded at the place, date, and hour specified in the invitation to bid. The bid opening will be conducted by the Purchasing Agent, a representative from the department requesting the purchase, and a representative from the Legal Department. They shall attest to the bid opening by placing their signatures in a conspicuous place on the Bid Form.

- b) Bidders (or their authorized representative) may be present at bid

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openings.

- c) If the person reading the bids makes a mistake reading a bid aloud, the figure actually written in the bid shall govern. Records of the bids and tabulations shall be kept on file for a period of not less than five years after the award is made. Said records shall be available for public inspection at reasonable hours.

Section 1200.270 Handling of Purchases Obtained by Other Than Sealed Bids

- a) Processed as soon as possible.
Open bids shall be examined and the award made as soon as reasonably possible after the latest time specified for submission of the bids.
b) Public record of informal bids. (Less than \$1,500)
All records shall be kept on file for a period of not less than five years after the award is made and shall be made available for public inspection at reasonable hours.

SUBPART D: GENERAL PROVISIONS FOR THE PURCHASE OF
MATERIALS, EQUIPMENT AND SERVICES

Section 1200.305 Applicability

These provisions shall apply to all purchase contracts.

Section 1200.310 Samples

When required, samples shall be shipped at bidder's expense to the address specified. Samples must be shipped separately and labeled clearly with the supplier's name and address and sufficient description to identify the contents and the contract or purchase order number, if any. Samples must be representative of the commodities or equipment which will be supplied by the successful bidder. Samples will become the property of the Authority and none will be returned, unless otherwise stated.

Section 1200.320 Delivery

- a) All materials shall be shipped F.O.B. point of delivery, transportation charges prepaid.
b) The successful bidder shall make deliveries as stated by the Authority and any deviation therefrom shall be made only as approved by the Purchasing Agent in writing, provided however, that the Authority may require that delivery be made at a date later than that set forth.
c) The successful bidder shall be required to pay regular toll charges when using the Tollway for any purpose under this contract. (Note: All delivery points can be reached from public roads).
d) The goods which are the subject of this contract shall remain the property of the seller until delivered to the Authority.
e) All commodities or equipment shall be delivered strongly packed,

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according to accepted commercial practices. Special packaging and/or marking instructions shall be as directed by the Authority. No charge shall be made for packing cases, baling, crating, barrels, drums, sacks or other containers, except that if the bidder so specifies in his bid. (The bidder may make a memorandum charge and require the Authority (1) to return such containers for credit, with transportation costs paid by the bidder, or (2) to pay for them if not returned in a reasonable length of time.)

- f) Acceptance of any late deliveries shall not constitute a waiver of any of the rights of the Authority under its contract with the contractor.

Section 1200.300 Bonds

In the event the Authority shall require Performance and/or Payment Bonds for contracts under \$1,500, not subject to sealed bidding, the same provisions required under sealed bidding shall apply.

Section 1200.340 Inspection

All materials; or equipment (including contract services) shall be subject to inspection by Authority employees or agents.

- a) Any materials of equipment that fails in any respect
 - 1) to meet the specifications,
 - 2) to conform to the bidder's samples (if required), or
 - 3) are not in good condition when delivered shall be subject to rejection, or to correction at seller's cost risk and expense.
- b) Notice of any such rejections based on defects that should be disclosed by ordinary methods of inspection will be given to the seller within a reasonable time after delivery of the item. Notice of latent defects which would make the items unfit for the purposes for which they are required may be given at any time within one year after delivery.
- c) The seller must remove immediately at his own expense and risk any items rejected. If the seller fails to remove the items, the Authority may sell them and remit the proceeds of the sale (less any expenses incurred in the sale) to the seller.
- d) In some cases, inspection of the commodities or equipment will be made at the factory, plant, or other establishments where they are produced or grown.
- e) The above provisions shall not be construed to limit, in any way, any rights the Authority may have under any law including the Uniform Sales Act, applicable to any transaction involving the Authority's purchase of goods.

Section 1200.350 Assignments

Assignments by seller.

- a) The contractor to whom a contract has been awarded shall not assign

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his interest in the contract without the consent, in writing, of the Purchasing Agent.

- b) Claims for money due or to become due under the contract may be assigned to a bank or trust company or other person and may be assigned again thereafter. Notice of any such assignment must be given by the seller or his assignee to the Authority immediately after the assignment is made, and the invoice-voucher submitted by the seller must clearly show both his name and address and his assignee's name and address. The warrant issued by the State Treasurer will be payable in such case jointly to the seller and the assignee, and will be forwarded to the assignee.

Section 1200.360 Cancellation and Termination

- a) 1) The Authority reserves the right to cancel or terminate any contract for any of the following causes:
- A) Failure of the seller to comply with the terms and conditions of the contract.
 - B) Misrepresentation by the seller as to his responsibility as a producer or supplier.
 - C) Fraud, collusion, conspiracy, or other unlawful means used by the seller to obtain the contract.
 - D) The determination that said contract is prohibited by any law of the United States or the State of Illinois.
 - E) The failure of contractor to make progress as to endanger performance of the contract in accordance with its terms, and does not cure said failure within ten (10) days after receipt of notice from the Purchasing Agent specifying said failure.
 - F) Failure of successful bidder to furnish a satisfactory Performance Bond and/or Work Payment Bond when required by the contract documents.
- 2) The contractor shall complete the work on or before the date or within the time specified in the invitation to Bid or Special provisions, except when a delay occurs due to unforeseen causes beyond the control and without the fault or negligence of the contractor, including, but not restricted to, acts of God, acts of the public enemy, governmental acts, fires, floods, epidemics, strikes (except those caused by improper acts or omissions of the contractor), extraordinary delays in delivery of materials caused by strikes, lockouts, wrecks, freight embargoes, governmental acts, or acts of God, the time of completion shall be extended to whatever amount is determined by the Authority to be equitable. An "Act of God", means an earthquake, flood, cloudburst, cyclone, or other cataclysmic phenomenon of nature beyond the power of the contractor to foresee or to make preparation in defense against.

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- b) If the Authority cancels or terminates the contract for any of the causes hereinbefore stated, the Authority may deduct from whatever is owed the seller on the contract or any other contract, an amount sufficient to compensate the Authority for any damages suffered by it because of the seller's wrongdoing. Such damages may include, but are not limited to:
- 1) The additional cost of the subject goods purchased elsewhere;
 - 2) The cost of repeating the competitive bidding procedure;
 - 3) Any expenses incurred by the Authority because of delay in receipt of the subject goods, and
 - 4) Any other damages caused by the seller's breach of contract or unlawful act(s).

Section 1200.370 Invoicing and Discounts

Seller shall invoice the Authority on the invoice-voucher form supplied by the Authority.

- a) The invoice-voucher shall give a complete and detailed description of the goods delivered.
- b) Cash discounts shall be computed from the date the Authority received the invoice-voucher (correctly filled out) or receives and officially accepts the commodities or equipment, whichever is later. Payment is deemed to be made, for the purpose of earning the discount, on the date of mailing of the State Warrant.
- c) Terms of payment and cash discounts shall be stated separately.
- d) Trade discounts shall be incorporated in the bidder's unit bid price, unless otherwise specified.
- e) If more than one shipment is made under the contract, the Authority may make partial payment of the contract price as it receives the seller's invoice-voucher relating to the separate delivery.
- f) The certification appearing on each Authority invoice form must be signed by the contractor, otherwise the invoice will not be approved for payment.

Section 1200.380 Taxes: State and Municipal

Illinois Retailer's Occupation Tax, Use Tax, Service Tax or Municipal Tax do not apply on purchases made by the Authority.

Section 1200.390 Federal Taxes:

The Authority is exempt from certain Federal Excise Taxes and will furnish Exemption Certificates when requested.

Section 1200.395 Supplementary Purchases

The Authority reserves the right to make small supplementary purchases under a contract, provided that:

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- a) Such purchase is made within ninety (90) days after the issuance of the original purchase order;
- b) The market price of the commodity or equipment in question has not changed since the award of the contract;
- c) The amount of the second purchase is not of such magnitude as to constitute a substantial or material variation of the original contract.

SUBPART E: GENERAL PROVISIONS FOR THE PURCHASE OF MATERIALS,
EQUIPMENT AND CONTRACT SERVICES BY SEALED BIDDING

Section 1200.410 Bid Deposit

If required in the invitation and instructions to Bidders, each sealed bid shall be accompanied by a Certified Check, Money Order or Cashier's Check, made payable to the Authority for the amount specified. Bid checks from unsuccessful bidders will be returned as soon as possible after the bid opening. The bid check of the successful bidder will be held by the Authority until returned with a Purchase Order.

Section 1200.420 Preparation of sealed Bids

- a) Bids shall be submitted on the Bid Form and in the Bid envelope provided by the Authority.
- b) All spaces shall be completely filled in.
- c) If the bidder is not a manufacturer, the source of supply must be shown and any subcontractor must be identified.
- d) If the bidder is an out of state corporation, it shall furnish the Authority with a certificate from the Secretary of State of Illinois as evidence that the corporation has complied with the Illinois Foreign Corporation Statutes, and that the Corporation is authorized to transact business in the State of Illinois.
- e) In case of an error in the extension of a price, the unit price shall govern.
- f) Unless Solicitation or Invitation to Bid expressly stipulates, that: "Bid is on 'all or nothing' basis, bidders are deemed to offer each item separately as well as totally and the Authority reserves the right to accept or reject all or any part of the bid."
- g) Any deviations from the specifications must be noted on the Bid Form.
- h) Bids submitted by a corporation must be signed in the name of the corporation by its president in the spaces provided and the secretary shall attest to the signature and affix the corporate seal. In the event that the bid is executed by a vice president or other corporate officer, a certified copy of the corporate by-laws or resolution of the board of directors authorizing said officer to execute contracts of the type bid upon shall be attached to said bid.
- i) Bids submitted by partnership shall be executed by all partners, unless one partner has been authorized to sign for said partnership,

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in which case evidence of such authority shall be attached to said bid.

- j) A bid submitted by an individual shall be signed by the individual or his authorized representative.
- k) The bid price shall remain firm for sixty (60) days after the date of the bid opening. The use of escalator clauses by the bidder is prohibited, unless otherwise indicated in the invitation and instructions to Bidders.

Section 1200.430 Competency of Bidder

- a) If requested by the Purchasing Agent, each bidder shall furnish the Authority with satisfactory evidence of his competency to perform the work contemplated. Such evidence may include, but shall not be limited to, financial statements, letter of recommendation, credit ratings, experience questionnaires, equipment questionnaires and other information required to satisfy the Authority as to bidder's competency, and shall be furnished to the Authority within 72 hours after receipt of such request.
- b) No award shall be made to any person, firm or corporation that is in arrears or in default to the Illinois State Toll Highway Authority upon any debt or contract, or that is a defaulter as surety or otherwise, upon any obligation to said Authority or had failed to perform faithfully any previous contract with the Authority.

Section 1200.440 Submission of sealed Bids

- a) Bids shall be on file at the Authority's offices, East-West Tollway, Oak Brook, Illinois 60521, prior to the hour on the date on which bids are to be opened. If bids are submitted by mail, the bidders shall be responsible for their delivery to the Authority before the advertised date and hour for the opening of the bids. Mail received after this date and hour shall not be considered. Bidders are cautioned to affix sufficient postage as the Authority will not pay any postage due.
- b) Only one (1) copy of the properly executed bid form need be submitted together with other documents as may be specified in the Special Provisions.
- c) Change in or withdrawal of bid
 - A bidder may withdraw or change a bid if notice of the withdrawal or change is received by the Purchasing Agent before the latest time specified for submission of bids. Any such changes may be made only by substitution of another bid, or by a letter or telegram stating that the bid shall be changed by a specified amount (such as the subtraction of \$0.75 per hundredweight) without giving the final figure resulting from the change. Withdrawals of bids after bid opening will be allowed only in those cases in which it is found from clearly demonstrable evidence that the bidder has made a bonafide error in the preparation of the bid and that such error will result in

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a substantial loss to the bidder.

Section 1200.450 Execution of contract

In submitting a bid, the bidder convenants, warrants, agrees and attests that his bid is submitted in good faith and not as a speculation or to be assigned or relinquished and will be executed and fulfilled according to all the terms and conditions contained in the contract documents and there has not been offered to, or received from, any person, firm, board, commission, trustee, or corporation any sum of money or consideration for the making of said bid; and that no inducement of any form or character other than that which appears upon the face of the bid or on the Purchase Order will be suggested, offered, paid or delivered by the bidder to any person whatsoever to influence the acceptance of the said bid or awarding of the contract, nor has the bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contract sought by this bid; and that the bidder has not entered into any agreement with any other bidder or prospective bidder or with any other person, firm, or corporation relating to the price named in said bid, nor any agreement or arrangement under which any person, firm or corporation is to refrain from bidding, nor any agreement or arrangement for any act or omission in restraint of free competition among bidders and has not disclosed to any person, firm or corporation the terms of said bid or the price named herein.

Section 1200.455 Bonds

When required only the successful bidder shall submit performance and/or Payment Bond of a kind and in the amounts specified and on the forms supplied by the Authority.

Section 1200.460 Requirement of Contract Bonds

- a) The successful bidder will be required to furnish and deliver to the Authority within twenty-one (21) days after request by the Purchasing Agent, a Performance Bond, agreeing to perform the work in accordance with all of the provisions of the contract, as in said Performance Bond, provided, and/or a Payment Bond, agreeing to pay not less than the prevailing wages for the work to be performed in accordance with the contract and the laws of the State of Illinois, and agreeing to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery and transportation with respect thereto, as in said Payment Bond provided, on the forms prescribed by the Authority, and each in an amount specified in the contract documents with a corporate surety or sureties acceptable to the Authority, authorized to do business in the State of Illinois. These bonds shall be maintained by the contractor and shall remain in full force and effect until final acceptance of the work by the Authority and thereafter as

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provided in Responsibility for Damage Claims. The contractor agrees, and will cause the surety to agree, to be bound by each and every provision of all of the contract documents.

b) If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Authority, or if any such surety fails to furnish reports as to its financial condition from time to time as requested by the Authority, the contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Authority and all persons supplying labor or materials in the prosecution of the work contemplated by this contract.

c) In the event the surety shall make any assignment for the benefit of creditors or commit any act of bankruptcy, or if it shall be declared bankrupt, or if it shall file a voluntary petition in bankruptcy, or shall in the opinion of the Authority be insolvent, the contractor agrees forthwith upon request of the Authority to furnish and maintain other corporate surety with respect to said Bonds satisfactory to the Authority.

Section 1200.465 Failure to furnish bonds

In the event that the successful bidder fails to furnish satisfactory Performance and/or Payment Bonds within the period specified in Section 1200.460 above, the Authority shall retain the bid check (if any) as liquidated damages and not as a penalty (it being agreed that said sum is a fair estimate of the amount of damages that the Authority will sustain due to the bidder's failure to furnish said bond) and the Authority shall, in addition thereto, have the right to:

- a) Make an award to the next best qualified bidder.
- b) Declare the award null and void and readvertise.

Section 1200.470 Awards

- a) Award of the contract, pursuant to sealed bidding or otherwise, if any award is made, will be to the lowest responsible bidder.
- b) The Authority reserves the right to reject any or all bids, and to waive technicalities.
- c) After the contract between the successful bidder and the Authority has been entered into by the issuance of a Purchase Order, no changes, unless approved by the Purchasing Agent in writing, may be made in its terms and conditions.

Section 1200.475 Notification of Award

The successful bidder shall proceed with the contract only after receipt of a signed Purchase Order and his acknowledgement thereof, or by letter of intent from the Authority.

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Section 1200.480 Rejection of Bids

Bids that contain omissions, erasures, alterations, additions not called for, conditional or alternative bids unless called for, irregularities of any kind, may be rejected as not responsive.

Section 1200.485 Furnishing of Addenda

A copy of each addendum (if any) will be mailed or delivered by the Authority to each person receiving an Invitation to Bid. All such mailings and deliveries will be made at least four (4) days prior to the date for opening bids.

Section 1200.490 Acknowledgement of Receipt of Addenda

The bidder is required to acknowledge receipt of any addenda issued to the bidder by inserting the addendum number and the issuing date on the Bid Form.

Section 1200.495 Disqualification of Bidders

Any one or more of the following causes may be considered as sufficient for the disqualification of a bidder and the rejection of his bid:

- a) More than one bid for the same work from an individual, firm or corporation under the same or different names.
- b) Evidence of collusion among bidders. Participants in such collusion will not receive recognition as bidders for any future work of the Authority.
- c) Unbalanced bids in which the prices for some items are out of proportion to the prices for other items.
- d) Failure to submit a unit price for each item of work listed in the Bid Form, except as provided under Preparation of the Bid Form.
- e) Lack of competency as revealed by the information and data which may be requested under Competency of Bidder.
- f) Unsatisfactory performance record as shown by past work, judged from the standpoint of workmanship and progress.
- g) Uncompleted work which, in the judgement of the Authority, might hinder or prevent the prompt completion of additional work.
- h) Failure to submit a bid pursuant to the terms and provisions of the Advertisement for Bids relative to the time of opening such bids, and accompanied with the necessary documents.
- i) Determination by the Authority that although a bidder is the lowest, he is not the lowest responsible bidder, having due regard for the particular type and amount of work covered in the contract documents.

Section 1200.497 Inspection

The Authority reserves the right to inspect all materials, equipment and work to be furnished under these General Provisions and may reject all materials,

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equipment and work not conforming to bid documents. (See Section 1200.340).

**SUBPART F: GENERAL PROVISIONS - PURCHASE OF SERVICES
(WHETHER ADVERTISED OR NEGOTIATED)**

Section 1200.510 Bid Requirements and Conditions

- a) Contents of Contract Documents Furnished Bidder.
Bidders will be furnished with contract documents that will state the description of the work contemplated and such other information as will determine the terms and conditions of the contract.
- b) Qualification of Bidders
Each bidder shall submit a sworn statement of his assets, liabilities, technical qualifications and performance records, if requested by the Authority.
- c) Significance of Estimate Quantities
The estimated quantities of work to be done and materials to be furnished under these provisions are given in the Plans, Specifications and Special Provisions. Approximate quantities, so stated, are for bid comparison.
- d) Lump Sum Contracts
Any contract bid on a lump-sum basis shall be completed as specified in the contract documents and for the bid price.
- e) Examination of Plans, Specifications, Special Provisions, And Site of Work
Before submitting his bid, the bidder shall carefully examine the contract documents. He shall inspect in detail the site of the proposed work and familiarize himself with all the local conditions affecting the contract.

Section 1200.520 Scope of Work

- a) 1) Plans and Specifications
The Plans, Specifications, and Special Provisions shall prescribe a complete outline of the work, and it is understood that the contractor will furnish, unless otherwise provided in the contract, all materials, implements, machinery, equipment, tools, supplies, transportation, labor and all other incidentals necessary for the completion of the work. No changes are to be made in the Plans, Specifications or Special Provisions unless approved by the Authority.
- 2) Shop Drawings
The contractor shall furnish such working and detail drawings, not furnished by the Authority, as may be required for any part of the finished work. Upon completion of the work, the Contractor shall deliver to the Authority a complete set of said drawings.

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- b) 1) Alterations, Cancellations, and Deductions
In the event, a change becomes necessary due to circumstances not known at the time the Contract was entered into or arising thereafter, the Authority may alter the Plans in a manner that will be mutually agreeable to the Authority and the Contractor.
- 2) All alterations, cancellations and deductions shall be authorized by the Authority and confirmed in writing by the Purchasing Agent prior to the continuation of the work. Such authorizations shall set up the items of work involved and the method of payment for each item.
- 3) Claims for Extra Work which have not been authorized in writing by the Purchasing Agent shall be rejected.
- c) Extra Work and Payment Thereof
If it becomes necessary to have work performed not covered by the contract, the Authority shall advise the Contractor of the character and extent of such work to enable the Contractor and the Authority to mutually agree upon terms and payment for performing the contemplated additional work.
- d) Cleaning Up
The Contractor shall keep the premises and all parts of the Work free from accumulations of waste material, and at the completion of the Work, remove all rubbish from the site and shall leave the site "broom clean". Failure to do so, shall be cause for the Authority to remove the rubbish and charge the cost to the Contractor.
- e) Other Contractors
The right is reserved by the Authority to have work done by other Contractors or by Authority forces during the progress and within the limits of or adjacent to the work, and the Contractor shall conduct his work and cooperate with such other parties so as to cause as little interference as possible with such other work and as the Authority may direct. The Contractor shall make no claims against the Authority for additional payment due to delays or other conditions created by the operations of such other parties. If there is a difference of opinion as to the respective rights of the Contractor and others doing work within the limits of or adjacent to the work, the Authority will decide as to such rights in order to secure the completion of the Authority's work in general harmony and in a satisfactory manner, and their decision shall be final and binding on the Contractor.

Section 1200.530 Control of the Work

- a) Removal Of Defective or Unauthorized Work
All work which is rejected or condemned, prior to final inspection by the Authority because of defective materials or workmanship, shall be remedied or removed and replaced by the Contractor at his own expense. If the Contractor fails to comply with the provisions of this

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paragraph, the Authority shall have authority to cause defective work to be remedied, or removed and replaced, or to cause unauthorized work to be removed, and to deduct the cost thereof from any compensation due, or to become due the Contractor.

b) Final Inspection

The Authority will make final inspection of all work as soon as possible after being notified that the work is completed. The Authority shall advise the Contractor in writing of any defects to be remedied before final acceptance. If, within a period of ten (10) days after such notice, the Contractor has not arranged to correct the defects, the Authority may without further notice and without in any way impairing the Contract, make such other arrangements as it may deem necessary to have the work completed in a satisfactory manner, and the cost will be deducted from any monies due, or which may become due, the Contractor on his Contract.

c) Accident Prevention

Precautions acceptable to the Authority shall be exercised at all times for the protection of persons and property. The safety regulations and all other provisions of applicable laws shall be observed.

d) Disputed Claim For Extra Compensation

If the Contractor deems that extra compensation is due him for work or materials not clearly covered in the Contract, or not ordered by the Authority as Extra Work, the Contractor shall notify the Authority in writing of his intention to make claim for such extra compensation before he begins the work. Failure on the part of the Contractor to give such notification will constitute a waiver of the claim for such extra compensation.

Section 1200.540 Control of Materials

Stored Equipment and Materials

No equipment or materials shall be stored within the limits of the Toll Highway right-of-way unless specifically authorized by the Authority as set forth in the Special Provisions.

Section 1200.550 Legal Relations and Responsibility to the Public

a) Laws to be Observed

The Contractor warrants that he shall comply with all Federal, State, and local laws, statutes, ordinances, rules, and regulations, and shall pay not less than the prevailing rate of wages to all laborers, workmen, and mechanics in the performance of work under this Contract, and if requested, shall furnish the Authority with satisfactory proof of compliance. In hiring of employees for the performance of work under the Contract and any subcontract thereunder, no Contractor or subcontractor shall, by reason of race, creed, or color, discriminate against any citizen of the United States, in the employment of labor

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or workers, who are qualified and available to perform work to which the employment relates. Neither shall any Contractor or subcontractor, or any person on behalf of either, discriminate against or intimidate any employee hired for the performance of work under this Contract, on account of race, creed, or color.

b) Permits and Licenses

The Contractor shall procure all permits and licenses, pay all charges and fees, and give all notices necessary and incident to the due and lawful prosecution of the work.

c) Patented Devices, Material And Processes

The Contractor and surety shall indemnify and save harmless the Authority for any and all claims for infringement by reason of the use of any patented design, device, material or process, or any trademark or copyright in connection with the work agreed to be performed under the Contract, and shall indemnify the Authority for any cost, expense and damages which it may be obliged to pay by reason of any such infringement at any time during the prosecution or after the completion of The Work.

d) Sanitary Provisions

The Contractor shall observe all rules and regulations of the State or local health department, and shall take precautions to avoid creating unsanitary conditions.

e)

1) Should the prosecution of The Work endanger, inconvenience, or interfere with vehicular traffic using the Tollway, the Contractor shall provide at his own expense the safe passage of such traffic within the limits of his work on the right-of-way.

2) Protection of traffic as directed by the Authority shall not be paid for separately, but shall be incidental to and a part of the Contract unit prices.

f) Protection and Restoration of Property

1) The Contractor shall not enter upon private property for any purpose in connection with The Work. He shall be responsible for the preservation from injury or damage of all public and private property adjacent to The Work, resulting directly or indirectly from the execution or non-execution of The Work under the Contract.

2) The Contractor shall be liable for damage to pipes; conduits, and other underground structures and all Public Utilities, and he shall make good such damage or injury in a manner acceptable to the Authority and to the owner or owners of such property.

3) The Contractor shall not be released from responsibility until The Work shall have been completed and accepted.

g) Contractor's Responsibility for Work

Until the final acceptance of The Work by the Authority the Contractor shall take every necessary precaution against injury or damage to any materials or equipment and shall make good any damages to any portions of The Work. In case of suspension of work, the Contractor shall be

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responsible for all materials and equipment, and shall properly store them if necessary.

h) Responsibility for Damage Claims

1) The Contractor shall be responsible for any and all injuries to persons or damages to property due to the activities of the Contractor, his subcontractor or subcontractors, agents or employees with respect to The Work under this contract, or in connection therewith, and the Contractor shall indemnify and save harmless the Authority, its Directors, Officers, employees and agents from any and all claims, suits, actions and costs of every nature or description, arising from, growing out of or connected with The Work, or on account of or in consequence of any neglect in safeguarding The Work or on account of or in consequence of using unacceptable materials in constructing The Work or because of any act or omission, neglect or misconduct of the Contractor and his subcontractor or subcontractors or because of any claims or amount recovered by reason of any infringement of any patent, trade-mark or copyright or by reason of the violation of any law, ordinance, order or decree, and such indemnity shall not be limited by reason of the enumeration of any insurance coverage hereinafter provided.

2) In the event any such claim, suit, or action is asserted, so much of the money, due the contractor under and by virtue of his contract as shall be deemed necessary by the Authority for the payment thereof, may be retained by the Authority for said purpose, or in case no money or insufficient money is due, his surety or sureties shall be held until such suits, actions or claims have been settled or have been finally judicially determined.

i) No Waiver of Legal Claims

Nothing contained in these Provisions shall constitute a waiver of any Legal Claims by the Authority against the Contractor.

j) Insurance

1) The Contractor shall not commence work under this Contract until he has obtained all the insurance required by the Authority as specified in the Bid Documents. The insurance shall provide adequate protection for the Contractor against all claims; liabilities and damages arising from the Contractor's or any subcontractor's performance of The Work; and such insurance shall be maintained in full force and effect until the Contract has been fully and completely performed. All insurance policies shall provide for a ten (10) day written notice to the Authority in the event of any modification, cancellation, or expiration of said policies. All insurance provided for under this Section shall be in the insurance companies authorized to do such business in the State of Illinois.

2) The types of the insurance to be provided for by the Contractor shall be as follows:

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A) Worker's Compensation and Occupational Insurance for all the Contractor's employees, as required by law, and Employer's Liability Insurance as specified in the Invitation and Instructions to Bidders. The Contractor shall also require the subcontractors to provide Worker Compensation and Occupational Insurance as required by law and Employer's Liability Insurance for all of the latter's employees unless the Contractor affords protection to such employees.

B) Comprehensive General Liability Insurance as shall protect the Contractor from claims for bodily injuries or death and from claims of property damages. These policies shall include coverage for property damage liability for completed operations, and for blasting and other special hazards, to include, but not limited to "An Act providing for the protection and safety of persons in and about the construction, repairing, alteration, or removal of buildings, bridges, viaducts, and other structures, and to provide for the enforcement thereof." (Ill. Rev. Stat. 1969, ch. 48, pars. 60 et seq.)

C)

i) Comprehensive Automobile Liability Insurance as shall protect the Contractor from claims for bodily injuries or death and from claims of property damages, from all owned, hired or non-owned vehicles used by the prime or any subcontractor anywhere in connection with the performance of this contract. These policies shall include coverage for all owned, hired, or non-owned vehicles used by the Contractor anywhere in connection with the performance of the Contract.

ii) The above described insurance policies or certified copies thereof, shall be delivered to the Authority prior to commencing work and shall thereafter remain in custody of the Authority, and each policy shall be approved by the Authority. The cost of all insurance required by the General Provisions and Special Provisions shall be included in the Contract price for the various scheduled items in the Special Bid Form.

h) Accident Reports

Any accident or other event which results in injury to any person or property involving the Contractor or any subcontractor, or an employee or agent of either, in connection with The Work, shall be reported within 24 hours, in writing, to the Authority setting forth a full and precise statement of facts pertaining thereto and a list of the names and addresses of all known witnesses thereto.

1) Transportation Tax Exemptions

Materials which are to be incorporated in The Work and any equipment required therefore consigned to the Illinois State Toll Highway Authority in care of the contractor will be exempt, in the opinion of

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the Authority, from the tax on the transportation of property under the provisions of Section 4292, Title 26, U.S.C.A (1954). All transportation charges shall be paid by the Contractor.

Section 1200.560 Prosecution and Progress

- a) Temporary Suspension of Work
The Authority shall have authority to suspend The Work wholly or in part, for such period of time as may be deemed necessary, due to conditions unfavorable for the satisfactory prosecution of The Work. The Contractor shall not suspend The Work without written authority from the Authority.
- b) Subletting or Assignment of Contract
No Contract entered into under these General Provisions shall be sublet or assigned without the express permission of the Authority in writing.
- c) Character of Workmen and Types and Condition of Equipment
The Contractor shall employ only competent and efficient laborers, mechanics, or artisans.
- d) Notice to Proceed
The Issuance of the Purchase Order shall constitute Notice to Proceed.
- e) Payroll Records
When requested, payroll records of the Contractor shall be available to the Authority.
- f) Termination of Contractor's Responsibility
The Contract will be considered complete when all work has been finished, the final inspection made by the Authority, the Work accepted by the Authority, and final payment made to the Contractor.

g)

1) Termination of Contracts

In the event that the work to be performed under this Contract is stopped for any reason beyond control of the Authority, or as may be mutually agreed upon between the Authority and the Contractor, the Contractor will be compensated for all work performed and materials used up to the date of termination.

- 2) Termination of a Contract, as stated above, will not relieve the Contractor or his surety of the responsibility of replacing defective work as required by the Contract.

Section 1200.570 Measurement and Payment

- a) Measurement of Quantities
Actual quantities of work contemplated under the Contract shall be measured in accordance with United States standards and in compliance with recognized engineering practices, and as may be set forth in the Special Provisions.
- b) Increased or Decreased Quantities
Whenever the quantity of any item of work shall be increased or

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decreased, payment shall be made on the basis of the actual quantity completed at the unit price for such item named in the Bid, except as otherwise provided in Alterations, Cancellations, Extensions, and Deductions.

c) Cancelled Items

Should the Authority cancel or alter any portion of the Contract in the event, in the sole judgement of the Authority or its representative, such alteration or cancellation becomes necessary in the best interest of The Work due to circumstances not known at the time the contract was entered into or arising thereafter, which results in the elimination or non-completion of any portion of The Work partially completed, the Contractor will be allowed a fair and equitable amount covering all items of work incurred prior to the date of cancellation, alteration, or suspension of such work.

d) Acceptance and Final Payment

Whenever the Contractor has completely performed The Work, and all parts of The Work have been approved and accepted by the Authority, the Contractor shall certify to the Authority for payment on the Authority invoice-voucher form the amount of monies remaining to be paid the Contractor under the terms of the Contract.

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Section 1200.APPENDIX A Locations of Authority Facilities

Administration Building, East-West Tollway,
Oak Brook, Illinois

MAINTENANCE BUILDINGS

Building #1 - 127th Street and Tri-State
Tollway
Building #2 - 22nd Street and Tri-State Tollway
.....
Building #3 - Touhy Avenue and Tri-State
Tollway
Building #4 - Route 132 (Grand Avenue) and
Tri-State Tollway
Building #5 - Route 53 (Rohlwing Road) and
Northwest Tollway
Building #6 - Route 20 (Hampshire, Ill.) and
Northwest Tollway
Building #7 - Route 20 (Rockford, Ill.) and
Northwest Tollway
Building #8 - Naperville Road and East-West
Tollway

ORASES

Belvidere Oasis - Northwest Tollway West of Genoa
Road
Des Plaines Oasis - Northwest Tollway East of U.S.
Route 83
Lake Forest Oasis - North Tri-State, North of
Illinois Route 59A
O'Hare Oasis - Tri-State Tollway South of Irving
Park Road (Ill. 19)
Hinsdale Oasis - Tri-State Tollway North of U.S.
66
Abraham Lincoln Oasis - Tri-State Tollway East of Halsted
Street

TOLL PLAZAS

Plaza #1 - McClure Road East of Rockton

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Plaza #3 - Route 20 West South Rockford
(ramp) NW-61-1/2
Plaza #5 - Genoa Road South of Belvidere ... NW-55-1/2
Plaza #7 - South of Marengo, Illinois NW-41
Plaza #9 - West of Ill. Route 31 North of
Elgin NW-25
Plaza #11 - Route 31 Interchange (ramp) NW-24-1/2
Plaza #13 - Route 25 North of Elgin (ramp) .. NW-22-1/2
Plaza #15 - Route 53 Rohlwing Road (ramp) ... NW-10-1/2
Plaza #17 - Northwest of Higgins & Mannheim
Rds NW-1-1/2
Plaza #19 - Northwest Expressway at Park
Ridge NW-1/2
Plaza #21 - North of Wadsworth Rd. West of
Wadsworth T-73
Plaza #23 - Route 22 Half Day Road (ramp) ... T-56-1/2
Plaza #25 - South of Deerfield Rd. West of
Deerfield T-53-1/2
Plaza #27 - Willow Road (ramp) T-49
Plaza #29 - South of Touhy Avenue T-41-1/2
Plaza #31 - O'Hare (ramp) T-40-1/2
Plaza #33 - South of Lawrence Avenue in
Schiller Park T-39
Plaza #35 - 22nd Street T-30-1/2
Plaza #37 - North of U.S. Route 66 Western
Springs (ramp) T-24-1/2
Plaza #39 - 83rd Street in Justice T-19
Plaza #41 - North of 167th Street in Markham . T-6
Plaza #43 - 1-80 Westbound South of 167th
Street in Hazelcrest 1-80 Spur
Plaza #45 - 1-80 Eastbound South of 167th
Street in Hazelcrest 1-80 Spur
Plaza #47 - Halsted St T-3
Plaza #61 - Route 25 East of North Aurora ... EW-133
Plaza #59 - Farnsworth Ave. (ramp) EW-134 1/2
Plaza #57 - Naperville Road (ramp) EW-142 3/4
Plaza #55 - Midwest Road (ramp) EW-151 1/2
Plaza #53 - Oak Brook Plaza (ramp) EW-151 3/4
Plaza #51 - Route 55 West of York Road
Elmhurst EW-153 1/2

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
 310.110 Amend
 310.130 Amend
 310.290 Amend
 310.290 Amend
 310.530 Amend
 310.540 Amend
 310. Appendix B Amend
 310. Appendix C Amend
 310. Appendix D Amend
 310. Appendix G Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) Effective Date of Amendments: October 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: July 16, 1999; Issue #29; 23 Ill. Reg. 7820
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version? None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? Yes
- 14) Are there any proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Register Citation
310.230	Amend	23 Ill. Reg. 6720
310.230	Amend	23 Ill. Reg. 11750
310.270	Amend	23 Ill. Reg. 11750
310. Appendix A, Table AA	Amend	23 Ill. Reg. 11750

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 310.280 Amend 23 Ill. Reg.
- 15) Summary and Purpose of Amendments:
 These amendments to the Department of Central Management Services' Pay Plan reflect the Fiscal Year 2000 changes that affect those employees subject to the Schedule of Salary Grades and Merit Compensation Plan.
 In Sections 310.110, 310.130, 310.290, 310.530, 310.540, 310. Appendices B, C, D and G, the dates were revised to reflect the new fiscal year.
 In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges were revised to reflect the 3% increase for the Schedule of Salary Grades, Merit Compensation increase and Negotiated Rates.
 The salary ranges of the Schedules for Salary Grades, Medical Administrators, Merit Compensation, and Broad-Banded Classes were upgraded by 3%.
 The Schedule of Salary Grades includes a Maximum Security Institutions Schedule which provides for an adjustment of \$50 a month in addition to the general wage increase.
 The new Residential Services Supervisor title was added to the Broad-Banded Pay Range Classes Salary Schedule.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Mr. Michael Murphy
 Address: Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 Telephone: (217) 782-5601

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2000 1998
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2000 1998
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

Table	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2000 1998
APPENDIX C	Medical Administrator Rates for Fiscal Year 2000 1998
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2000 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2000 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency

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amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12847; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16032; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; emergency amendment at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 13570, effective OCT 26 1999.

SUBPART A: NARRATIVE

Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 2000 1999

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 2000 1999.

(Source: Amended at 23 Ill. Reg. 13570, effective OCT 26 1999.)

Section 310.130 Effective Date

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 1999.

(Source: Amended at 23 Ill. Reg. 13570, effective OCT 26 1999.)

SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title

Effective
Fiscal Year 2000 1999

Foreign Service Economic Development Executive I

3455-61689354-5980

Foreign Service Economic Development Executive II

4424-80834295-7040

Foreign Service Economic Development Representative

2936-52882050-5134

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Office Administrator IV
(States Other Than California and New Jersey)
(CA, NJ)

2307-39932240-3076
2608-45142592-4981

Office Assistant (Foreign Service)

1824-24614771-2390

Office Associate

(States Other Than California and New Jersey)
(CA, NJ)

1950-26731894-2597
2205-30242141-2935

Office Coordinator

(States Other Than California and New Jersey)
(CA, NJ)

2025-27911967-2709
2289-31552223-3063

Public Service Administrator

(States Other Than California and New Jersey)
(CA, NJ)

3094-67673004-6565
3497-76493396-7422

Revenue Auditor I

(States Other Than California and New Jersey)
(CA, NJ)

2760-39432600-3020
3120-44589029-4320

Revenue Auditor II

(States Other Than California and New Jersey)
(CA, NJ)

3217-46603123-4524
3636-52689531-5114

Revenue Auditor III

(States Other Than California and New Jersey)
(CA, NJ)

3589-52343405-5001
4057-59163999-5749

Revenue Auditor Trainee

(States Other Than California and New Jersey)
(CA, NJ)

2300-32152233-3122
2600-36352525-3530

Revenue Tax Specialist I

(States Other Than California and New Jersey)
(CA, NJ)

2300-32152233-3122
2600-36352525-3530

Revenue Tax Specialist II

(States Other Than California and New Jersey)
(CA, NJ)

2516-35622443-3450
2844-40262761-3909

Revenue Tax Specialist Trainee

(States Other Than California and New Jersey)
(CA, NJ)

2103-29212042-2096
2378-33022309-3206

Senior Public Service Administrator

(States Other Than California and New Jersey)

4263-100184439-9726

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(CA, NU) 4819-113244629-10
(Source: Amended at 23 Ill. Reg. 13570, effective
OCT 26 1999)

SUBPART C: MERIT COMPENSATION

Section 310.530 Implementation

- a) The salary schedule for the Merit Compensation System for Fiscal Year 2000 1999 will continue as set forth in Appendix D of the Pay Plan.
b) The Merit Increase Guidechart for Fiscal Year 2000 1999 as set forth in Section 310.540 of the Pay Plan.

(Source: Amended at 23 Ill. Reg. 13570, effective
OCT 26 1999)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 2000 1999

Category	Definition	Increase
Category 1	Exceptional	0% to 5%+\$125
Category 2	Accomplished	0% to 3%+\$125
Category 3	Acceptable	0% to 3%
Category 4	Unacceptable	\$0
(Source: Amended at 23 Ill. Reg. 13570, effective OCT 26 1999)		

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310. APPENDIX B Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 2000 1999

Salary Grade	Step 1a	Step 1b	Step 1c	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1	1363	1404	1446	1489	1535	1577	1622	1674	1718	1798
2	1405	1447	1490	1535	1577	1622	1676	1724	1772	1853
3	1443	1486	1531	1577	1622	1677	1727	1776	1827	1921
4	1484	1529	1575	1622	1677	1731	1780	1841	1890	1988
5	1535	1581	1628	1677	1733	1791	1848	1902	1958	2055
6	1586	1634	1683	1733	1792	1850	1914	1973	2037	2140
7	1640	1689	1740	1792	1853	1919	1984	2049	2117	2230
8	1696	1747	1799	1853	1924	1993	2069	2135	2208	2326
9	1761	1814	1868	1924	1996	2074	2149	2229	2305	2427
10	1829	1884	1941	1999	2086	2161	2243	2323	2406	2540
11	1910	1967	2026	2087	2173	2254	2345	2433	2515	2656
12	2000	2060	2122	2186	2278	2364	2463	2551	2649	2796
13	2087	2150	2215	2281	2376	2478	2579	2676	2779	2937
14	2188	2254	2322	2392	2494	2598	2715	2818	2927	3097
15	2285	2354	2425	2498	2613	2726	2838	2954	3064	3247
16	2400	2472	2546	2622	2744	2869	2989	3113	3238	3429
17	2517	2593	2671	2751	2883	3016	3143	3270	3403	3606
18	2653	2733	2815	2899	3041	3182	3326	3463	3601	3815
19	2797	2881	2967	3056	3213	3363	3520	3668	3821	4052
20	2956	3045	3136	3230	3392	3551	3719	3880	4040	4287
21	3121	3215	3311	3410	3585	3758	3934	4113	4284	4551

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

22	3299	3398	3500	3605	3792	3979	4165	4358	4541	4822	
23	3500	3605	3713	3824	4027	4233	4433	4638	4840	5143	
Schedule of Salary Grades (Alternative Retirement Formula only) - Monthly Rates of Pay for Fiscal Year 2000											
Salary Grade	Step 1c	Step 1b	Step 1a	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7		
1a	1404	1446	1489	1534	1581	1624	1671	1724	1770	1852	
2a	1447	1490	1535	1581	1624	1671	1726	1776	1825	1909	
3a	1486	1531	1577	1624	1671	1727	1779	1829	1882	1979	
4a	1529	1575	1622	1671	1727	1783	1833	1896	1947	2048	
5a	1581	1628	1677	1727	1785	1845	1903	1959	2017	2117	
6a	1634	1683	1733	1785	1846	1906	1971	2032	2098	2204	
7a	1689	1740	1792	1846	1909	1977	2044	2110	2181	2297	
8a	1747	1799	1853	1909	1982	2053	2131	2199	2274	2396	
9a	1814	1868	1924	1982	2056	2136	2213	2296	2374	2500	
10a	1884	1941	1999	2059	2149	2226	2310	2393	2478	2616	
11a	1967	2026	2087	2150	2238	2322	2415	2506	2590	2736	
12a	2060	2122	2186	2252	2346	2435	2537	2628	2728	2880	
13a	2150	2215	2281	2349	2447	2552	2656	2756	2862	3025	
14a	2254	2322	2392	2464	2569	2676	2796	2903	3015	3190	
15a	2354	2425	2498	2573	2691	2808	2923	3043	3156	3344	
16a	2472	2546	2622	2701	2826	2955	3079	3206	3335	3532	
17a	2593	2671	2751	2834	2969	3106	3237	3368	3505	3714	
18a	2733	2815	2899	2986	3132	3277	3426	3567	3709	3929	
19a	2881	2967	3056	3148	3309	3464	3626	3778	3936	4174	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

20a	3045	3136	3230	3327	3494	3658	3831	3996	4161	4416	
21a	3215	3311	3410	3512	3693	3871	4052	4236	4413	4698	
22a	3398	3500	3605	3713	3906	4098	4290	4489	4677	4967	
23a	3605	3713	3824	3939	4148	4360	4566	4777	4985	5297	
Maximum Security Institutions Schedule Effective July 1, 1999											
Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
1m	1455	1498	1541	1585	1633	1676	1722	1776	1821	1903	
2m	1499	1542	1586	1633	1676	1722	1778	1827	1877	1960	
3m	1538	1582	1628	1676	1722	1779	1830	1881	1933	2030	
4m	1580	1626	1674	1722	1779	1834	1885	1948	1998	2099	
5m	1633	1680	1728	1779	1836	1896	1955	2011	2068	2168	
6m	1685	1735	1785	1836	1897	1957	2023	2084	2150	2256	
7m	1741	1791	1844	1897	1960	2028	2095	2162	2232	2348	
8m	1798	1851	1904	1960	2033	2104	2183	2251	2326	2447	
9m	1865	1920	1976	2033	2107	2188	2265	2347	2426	2551	
10m	1935	1992	2051	2110	2200	2277	2362	2444	2530	2668	
11m	2019	2078	2138	2201	2290	2373	2467	2557	2642	2787	
12m	2112	2173	2237	2303	2398	2486	2588	2679	2780	2931	
13m	2201	2266	2333	2401	2499	2604	2708	2808	2914	3077	
14m	2305	2373	2443	2515	2620	2727	2848	2954	3066	3241	
15m	2405	2476	2549	2624	2743	2859	2975	3094	3207	3396	
16m	2524	2598	2674	2752	2878	3007	3130	3258	3387	3583	
17m	2644	2722	2803	2885	3021	3158	3289	3420	3557	3766	

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NOTICE OF ADOPTED AMENDMENTS

18m	2784	2866	2951	3037	3184	3329	3477	3618	3761	3981
19m	2932	3019	3108	3199	3361	3515	3677	3830	3987	4225
20m	3096	3188	3282	3378	3545	3709	3882	4048	4213	4467
21m	3266	3363	3462	3564	3744	3922	4104	4288	4464	4739
22m	3449	3551	3657	3765	3957	4150	4341	4540	4729	5018
23m	3657	3765	3876	3990	4199	4411	4617	4829	5037	5349
1	1323	1363	1404	1446	1490	1531	1575	1625	1660	1746
2	1364	1405	1447	1490	1531	1575	1627	1674	1720	1799
3	1401	1443	1486	1531	1575	1620	1677	1724	1774	1865
4	1441	1484	1529	1575	1620	1661	1720	1767	1835	1930
5	1490	1535	1581	1620	1663	1739	1794	1847	1901	1995
6	1540	1586	1634	1683	1740	1796	1850	1916	1970	2070
7	1592	1640	1689	1740	1799	1863	1926	1989	2055	2165
8	1647	1696	1747	1799	1860	1935	2009	2073	2144	2250
9	1710	1761	1814	1860	1930	2014	2086	2164	2230	2356
10	1776	1829	1884	1941	2025	2090	2170	2255	2336	2466
11	1854	1910	1967	2026	2110	2180	2277	2362	2442	2579
12	1942	2000	2060	2122	2212	2295	2391	2477	2572	2715
13	2026	2087	2150	2215	2307	2406	2504	2590	2690	2851
14	2124	2188	2254	2322	2421	2522	2636	2736	2842	3007
15	2210	2285	2354	2425	2537	2647	2755	2860	2975	3152
16	2330	2400	2472	2546	2664	2785	2902	3022	3144	3329
17	2444	2517	2593	2671	2799	2920	3051	3175	3304	3501
18	2576	2653	2733	2815	2952	3089	3229	3362	3496	3704

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NOTICE OF ADOPTED AMENDMENTS

19	2716	2797	2881	2967	3119	3265	3417	3561	3710	3934
20	2870	2956	3045	3136	3293	3440	3611	3767	3922	4162
21	3030	3121	3215	3311	3481	3649	3819	3993	4159	4410
22	3203	3299	3390	3500	3682	3863	4044	4231	4409	4682
23	3390	3500	3605	3713	3910	4110	4304	4503	4699	4993

Schedule-of-Salary-Grades-(Alternative-Retirement-Formula-only)---Monthly-Rates
of-Pay-for-Fiscal-Year-1999

Salary Grade	Step 1a	Step 1b	Step 1c	Step 1d	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1a	1363	1404	1446	1489	1535	1577	1622	1674	1718	1790
2a	1405	1447	1490	1535	1577	1622	1676	1724	1772	1853
3a	1443	1486	1531	1577	1622	1677	1727	1776	1827	1921
4a	1484	1529	1575	1622	1677	1731	1780	1841	1890	1980
5a	1535	1581	1620	1677	1733	1791	1840	1902	1950	2055
6a	1586	1634	1683	1733	1792	1850	1914	1973	2037	2140
7a	1640	1689	1740	1792	1853	1919	1984	2049	2117	2230
8a	1696	1747	1799	1853	1924	1993	2069	2135	2208	2326
9a	1761	1814	1860	1924	1996	2074	2149	2229	2305	2427
10a	1829	1884	1941	1999	2086	2161	2243	2323	2406	2540
11a	1910	1967	2026	2087	2173	2254	2345	2433	2515	2656
12a	2000	2060	2122	2186	2270	2364	2463	2551	2649	2796
13a	2087	2150	2215	2281	2376	2470	2579	2676	2779	2937
14a	2180	2254	2322	2392	2494	2590	2715	2810	2927	3097
15a	2285	2354	2425	2490	2613	2726	2830	2954	3064	3247
16a	2400	2472	2546	2622	2744	2869	2989	3113	3230	3429

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17a	2517	2593	2671	2751	2803	3016	3143	3270	3403	3606
18a	2653	2733	2815	2899	3041	3182	3326	3463	3601	3815
19a	2797	2881	2967	3056	3213	3363	3520	3668	3821	4052
20a	2956	3045	3136	3230	3392	3551	3719	3880	4040	4287
21a	3121	3215	3311	3410	3505	3750	3934	4113	4284	4551
22a	3299	3398	3500	3605	3792	3979	4165	4350	4541	4822
23a	3500	3605	3713	3824	4027	4233	4433	4630	4840	5143

(Source: Amended at 23 Ill. Reg. 13570, effective Oct 26 1999.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year 2000 1999

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Administrator I, Option C	7262	8835	10,407
Medical Administrator I, Option D	8109	9726	11,343
Medical Administrator II, Option C	7847	9449	11,051
Medical Administrator II, Option D	9011	10,683	12,355
Medical Administrator III	9331	11,164	12,997
Medical Administrator IV	9482	11,315	13,148
Medical Administrator V	9635	11,469	13,303
Medical Administrator-IV Option-C	77050	87577	107104
Medical Administrator-IV Option-B	77073	97443	117013
Medical Administrator-IV Option-C	77610	97173	107720
Medical Administrator-IV Option-B	87749	107372	117995
Medical Administrator-III	97059	107830	127617
Medical Administrator-IV	97206	107905	127764
Medical Administrator-V	97354	117135	127916

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended at 23 Ill. Reg. 13570, effective Oct 26 1999.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310. APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2000 1999

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01	1923	2606	3289
MC 02	2006	2739	3472
MC 03	2102	2898	3694
MC 04	2198	3034	3870
MC 05	2307	3213	4119
MC 06	2425	3374	4323
MC 07	2552	3576	4600
MC 08	2690	3794	4898
MC 09	2843	4005	5167
MC 10	3003	4265	5527
MC 11	3172	4528	5884
MC 12	3368	4832	6296
MC 13	3597	5165	6733
MC 14	3847	5545	7243
MC 15	4129	5944	7759
MC 16	4420	6387	8354
MC 17	4770	6893	9016
MC 18	5141	7193	9245
MC 19	5553	7506	9459
ME-01	17867	27530	37193
ME-02	17948	27659	37378
ME-03	27841	27813	37585
ME-04	27134	27945	37756
ME-05	27240	37116	37992
ME-06	27354	37275	37196
ME-07	27478	37472	37466
ME-08	27612	37683	37754
ME-09	27760	37888	37816
ME-10	27916	37141	37366
ME-11	37880	47396	57712
ME-12	37278	47691	67112
ME-13	37492	57814	67536
ME-14	37735	57383	77831
ME-15	47889	57771	77533
ME-16	47291	67281	87111
ME-17	47631	67692	87753
ME-18	47991	67983	87975
ME-19	57391	77287	97183

(Source: Amended at 23 Ill. Reg. 13570, effective 01/26/1994)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310. APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2000 1998

Title	Minimum Salary	Maximum Salary
Human Resources Representative	2006	3870
Human Resources Specialist	2307	4600
Public Service Administrator	2690	5884
Residential Services Supervisor	2006	3870
Senior Public Service Administrator	3707	8711
Site Superintendent	2307	4600
Human Resources Representative	17948	37755
Human Resources Specialist	27240	47466
Public Service Administrator	27612	57789
Senior Public Service Administrator	37599	87457
Site Superintendent	27240	47466

(Source: Amended at 23 Ill. Reg. 13570, effective 01/26/1994)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code of Citation: 89 Ill. Adm. Code 300
- 3) Section Numbers: Adopted Action:
300.130 Amend
- 4) Statutory Authority: 325 ILCS 5/7.21
- 5) Effective Date of Amendments: November 15, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 7, 1999 at 23 Ill. Reg. 5378
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version: Other than editing and formatting corrections, no differences are found.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amended section complies with the statutory requirement for the establishment of Multi-disciplinary Committees in each Department region to address any concerns mandated reporters may have concerning the adequacy of unfounded investigations and the accuracy of the final finding determination.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms Sue Howell
Office of Child and Family Policy
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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- The full text of the adopted amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 300
 REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Child Death Review Teams
300.170	Acknowledgement of Mandated Reporter Status
APPENDIX A	Child Abuse and Neglect Allegations
APPENDIX B	

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356,

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effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13390, effective NOV 15 1999.

Section 300.130 Notices Whether Child Abuse or Neglect Occurred

a) Written Notices of Decision

The Department provides a written notice to mandated reporters who reported suspected child abuse or neglect as well as to the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); and the alleged perpetrator concerning the final determination of the report.

b) Mandated Reporters

1) Mandated reporters who have reported suspected child abuse or neglect are informed via a written notice that a formal investigation was conducted. The written notice also provides an explanation of how further information on an indicated report may be secured. Department staff will notify them in writing:

- A) of the name of the child who was the subject of a report of abuse or neglect;
 - B) whether the report was indicated or unfounded;
 - C) whether the Department took temporary protective custody.
- 2) Requests for additional information must be directed, in writing, to the State Central Register and must include:

- A) the identity of the requestor;
- B) the subject's subject(s) name for whom the record is requested;
- C) a notary public's attestation as to the identity of the requestor;

D) the purpose of the request.

3) Upon receipt of an appropriate request, only the following information will be disclosed to the mandated reporter:

- A) whether a Department case has been opened for the family or children; and
- B) what Department services are being provided to the family or children.

4) All requested information is sent in writing through certified mail and is deliverable only to the mandated reporter who made the request.

5) Whenever the Department determines that a reported incident of

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child abuse or neglect from a mandated reporter is unfounded, the mandated reporter may request a review of the investigation within ten days after the notification of the final findings. Multi-disciplinary Review Committees established in each of the Department's regions shall conduct requested reviews.

- 6) Multi-disciplinary Review Committees shall draw upon the expertise of the Child Death Review Teams (see Section 300.170 of this Part). Each committee shall be composed of a health care professional, Department employee, law enforcement official, licensed social worker, and representative of a State's Attorney's office. When appointing committee members, primary consideration shall be given to candidates with prior child abuse and neglect case experience.

- 7) Multi-disciplinary Review Committees will have access to all information in the Department's possession related to the case being reviewed. Committee recommendations concerning the adequacy of the investigation and accuracy of the final finding determination shall be made to the regional Child Protection Manager.

- 8) Department records of investigations provided to committees and committee recommendation reports shall not be public record.

- c) Parents, Personal Guardians, Legal Custodians, and Alleged Perpetrators

- 1) Custodial and non-custodial parents, personal guardians, or legal custodians of child subjects, and alleged perpetrators shall receive notification within five calendar days after the report has been indicated or unfounded which indicate that the allegations were either:

- A) unfounded, and that all identifying information in the computer and local index files will be retained in accordance with 89 Ill. Adm. Code 431.7 (Confidentiality of Information of Persons Served by the Department); or
- B) indicated, and all Department records will be maintained intact.

- 2) In addition, written notices shall explain that:

- A) the subjects of the report have access to the Department's records on the report, with the exception of the identity of the reporter or other persons who cooperated in the investigation;
- B) the subjects of the report have the right to request a review of the determination that the report was indicated including the decision to maintain a record of the report in the Department's computer and local index files. 89 Ill. Adm. Code 336.7 (Appeal of Child Abuse and Neglect Investigation Findings) fully explains the Department's review and appeal process; and
- C) the subjects of the report may request, within 10 days of the date on the written notice, that an unfounded report be

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retained in the Department's computer and local index files, if the subjects of the report believe the report was not made in good faith. All such requests will be honored.

- d) Other Parties

The Department shall notify, in writing, those supervisors or administrators referenced in Section 300.100(i) of this Part whether a report involving the persons they supervise was indicated or unfounded and, if unfounded, that Section 13 of the Personnel Record Review Act [820 ILCS 40/13] requires that any record of the investigation must be expunged from the employee's personnel records. The Department shall also notify the employee, in writing, that notification has been sent to the employer informing the employer that the Department's investigation has resulted in an unfounded report. The notice to the employee shall also contain a statement of the employee's right to take the notice to the employer to have any record of the investigation expunged from the employee's record.

- e) Child Abuse and Neglect Reports on Children in Department Custody

- 1) When a child is reported to the Department as being abused or neglected while in a foster home or relative home placement, whether by the foster parent, caregiver, or any other person residing in the home, the Department shall promptly notify the following persons when the report has been made, when an investigation is pending, and when the report has been indicated or unfounded:

- A) the parent(s) or private guardian(s) of the alleged abuse or neglect victim;
- B) all Department caseworkers or case managers responsible for the alleged victim and for any other children in the same foster home or relative home placement;
- C) those persons designated by the Director as responsible for evaluating the investigation and the disposition of the report;
- D) Department staff responsible for licensing and making placements with the facility.
- 2) When a child is reported to the Department as being abused or neglected while in residential placement, the Department shall promptly notify the following persons when the report has been made, an investigation is pending, and when the report has been indicated or unfounded:
- A) the parent(s) or private guardian(s) of the alleged abuse or neglect victim;
- B) those Department caseworkers or case managers responsible for the alleged victim, for each child alleged to be a witness to the incident, and for each child alleged to be a perpetrator of the incident;
- C) those persons designated by the Director responsible for evaluating the investigation and the disposition of the report;

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- D) Department staff responsible for licensing and making placements with the facility.
- 3) The Department shall notify the following when a report involving a child in Department custody is indicated:
- A) the Juvenile Court. If services are being provided by the Department or its providers, the notice shall also give the name and location of the Department office serving the children;
- B) the Department's administrative case reviewer responsible for reviewing the case plans of the children involved.
- 4) The Department shall transmit a copy of the report to the guardian ad litem appointed under the Juvenile Court Act of 1987 when a report has been indicated, unfounded, or undetermined and the minor who is the subject of the report is also the minor for whom the guardian ad litem has been appointed.

(Source: Amended at 23 Ill. Reg. 13590, effective NOV 15 1999)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Correctional Industries
- 2) Code Citation: 20 Ill. Adm. Code 117
- 3) Section Numbers: Adopted Action:
 117.5 New Section
 117.10 New Section
 117.15 New Section
 117.20 New Section
 117.30 New Section
 117.40 New Section
 117.50 New Section
 117.60 New Section
 117.70 New Section
- 4) Statutory Authority: Implementing Sections 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14 and authorized by Sections 3-2-2, 3-12-2, 3-12-4, 3-12-5, 3-12-9, and 3-12-14 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14].
- 5) Effective Date of Rule: November 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal Published in Illinois Register: April 16, 1999 23 Ill. Reg. 4339
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: The Department's prohibition against bartering and the free distribution of products or services has been added; a clarification has been added that reasonable amounts of a product or a prototype may be distributed for trial purposes prior to purchasing; a provision for disposal of obsolete items has been added; the rate of contribution of inmate earnings from industry assignments to the costs of the inmate's incarceration has been added; a provision that the Department complies with federal, State, and local work, health, and safety standards has been added; and a provision for recycling rather than disposal of gases such as freon has been added.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule: This rule informs the public, including committed persons, of the Correctional Industries Program operated within the Illinois Department of Corrections. The rule includes the types of industry operations, committed person's eligibility for and assignment to the program, hours and conditions of labor, and information regarding goods and services available including recycling programs.
- 16) Information and questions regarding this adopted rule shall be directed to:

Patricia Lubben, Rules Coordinator
 Department of Corrections
 1301 Concordia Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277
 217/522-2666, extension 6507

The full text of the adopted rule begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER I: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER a: ADMINISTRATION AND RULES

PART 117
 CORRECTIONAL INDUSTRIES

Section

- 117.5 Applicability
 117.10 Definitions
 117.15 Responsibilities
 117.20 Correctional Industries Program
 117.30 Assignment to Correctional Industries
 117.40 Hours and Conditions of Labor
 117.50 Purchase of Industry Goods or Services
 117.60 Food Production and Processing
 117.70 Recycling and Refuse Program

AUTHORITY: Implementing Sections 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14 and authorized by Sections 3-2-2, 3-12-2, 3-12-4, 3-12-5, 3-12-9, and 3-12-14 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14].

SOURCE: Adopted at 23 Ill. Reg.

NOV - 1 1999

13597, effective

Section 117.5 Applicability

This Part applies to the Correctional Industries Program and to facilities in which industry programs are housed.

Section 117.10 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Chief Executive Officer" means the highest ranking official of the Correctional Industries Program.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

Section 117.15 Responsibilities

- a) Unless otherwise specified, the Director, Chief Administrative Officer, or Chief Executive Officer may delegate responsibilities

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stated in this Part to another person or persons or designate another person or persons to perform the duties specified.

- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, Chief Administrative Officer, or Chief Executive Officer shall personally perform the duties. However, the Director, Chief Administrative Officer, or Chief Executive Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

Section 117.20 Correctional Industries Program

- a) The Correctional Industries Program operates in correctional facilities and promotes marketable skills and work habits for committed persons.
- b) The Correctional Industries Program offers services and products in areas including, but not limited to: production, repair, and restoration of furniture; cleaning supplies and equipment; food production and processing; clothing; eye glasses; asbestos abatement; and recycling.
- c) Industry programs, both new and expanded, are recommended by the Chief Executive Officer of Correctional Industries and approved by the Director.
- d) Bartering arrangements are prohibited.
- e) Products shall not be distributed, nor shall services be rendered, to any entity free of charge. However, this prohibition against free distribution of a product shall not preclude the distribution of a reasonable amount of a product to afford the prospective customer the ability to sample the product to determine whether the product meets the customer's needs prior to purchase.
- f) Prototypes may be distributed to prospective customers for a trial period not to exceed 90 days.
- g) Obsolete items shall be disposed of in accordance with the State Property Control Act [30 ILCS 605]. Obsolete items are items including, but not limited to, finished products, works in progress, and raw materials that are no longer needed and cannot be returned to the vendor.

Section 117.30 Assignment to Correctional Industries

- a) The Chief Executive Officer of Correctional Industries shall ensure position descriptions for committed persons, including level of skill and education required, physical abilities required, and specific job requirements, are developed for each assignment.
- b) Committed persons who are physically capable and who are not assigned full-time to other facility programming may be assigned through the Correctional Industries Program.
- c) Committed persons may be referred for positions in correctional

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industry programs at the discretion of the Chief Administrative Officer of the facility based on, but not limited to, factors such as:

- 1) The committed person's security level, grade classification, and institutional adjustment; and

- 2) The skills required for the program.
- d) The Superintendent of the industry at the facility shall have the authority to assign or reassign any committed person referred by the facility to ensure the safety, security, and efficient operation of industry programs.
- e) Prior to placement in the Correctional Industries Program, committed persons shall be required to pass a physical examination to ensure they are physically able to perform the duties of the assignment.
- f) Committed persons who participate in this program are required to contribute a portion of their earnings to offset their cost of incarceration. The rate of contribution, which shall be at least 3% but not more than 5% of the earnings, shall be established by the Director. Committed persons shall be advised of the current rate.

Section 117.40 Hours and Conditions of Labor

- a) Due to the variety of programs and services, the hours of operation at each Correctional Industries Program may vary. The hours of operation for each facility shall be established as determined by the Chief Executive Officer of Correctional Industries with the concurrence of the Chief Administrative Officer of the facility in which the industry is located.
- b) The Department shall comply with minimum applicable federal, State, and local work, health, and safety standards in operation of its industry programs, including but not limited to applicable rules promulgated by the State Fire Marshal (41 Ill. Adm. Code 100), and the Illinois Department of Labor (56 Ill. Adm. Code 205 and 350), and the Illinois Department of Public Health (77 Ill. Adm. Code 785 and 855). Safety inspections shall be conducted at least monthly by departmental staff to ensure committed persons are not subjected to unsafe workplace conditions.
- c) Committed persons shall be subject to security screening and supervision.
- d) Committed persons shall be compensated for the duties performed in accordance with the pay plan established for the program. Pay plans shall be determined at each facility based on such factors as the effort, skill, and economic value of the work performed. The local pay plan shall be approved by the Chief Executive Officer of Correctional Industries and shall be posted in the local industry office.
- e) Committed persons shall be trained in the use of equipment, materials, and safety precautions appropriate to their assignments. Committed persons shall sign an acknowledgment that the training has been received prior to the use of any such equipment or materials.

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Section 117.50 Purchase of Industry Goods or Services

- a) A list of goods or services available through Correctional Industries and the cost for such goods or services shall be maintained. To obtain a listing or to make purchases, interested persons may contact the Correctional Industries Program at:

Illinois Department of Corrections
Correctional Industries Program
1301 Concordia Court
Box 19722
Springfield IL 62794-9277
217/522-2666
<http://www.idoc.state.il.us/industries/>

- b) In accordance with Section 3-12-7 of the Unified Code of Corrections, the State, its political units, its agencies and public institutions are required to purchase needed articles, materials, industry related services, food stuffs, and supplies that are supplied or manufactured by the Correctional Industries Program unless the Department certifies that the items requested are not readily available.

- c) Goods or services shall be allocated in the following order:

- 1) Department.
- 2) State agencies and public institutions.
- 3) Political subdivisions of the State and its agencies in which the producing facility is located.
- 4) Political subdivisions of the State and their agencies or public institutions.
- 5) Open market.
- 6) Not-for-profit organizations in Illinois.
- 7) Government in other states.
- 8) Units of the Federal Government.
- 9) Not-for-profit organizations in other states.
- d) Monies generated by the Correctional Industries Program shall be deposited in the Working Capital Revolving Fund of the Correctional Industries Program.

Section 117.60 Food Production and Processing

Food products are produced and processed in accordance with State and federal guidelines. (See 730 ILCS 5/3-12-11a and 3-12-12.)

Section 117.70 Recycling and Refuse Program

- a) The Correctional Industries Program recycles such items as the following material to convert waste products to recyclable forms:

- 1) Tires, rubber tire scraps, and related materials.
- 2) White goods that are common household appliances such as stoves

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and refrigerators.

- 3) Refuse such as paper and plastic.

- 4) Such other items as it is determined can be appropriately recycled.

- b) Tires, rubber, and related materials are used in areas such as alternative fuel options, playground materials, and recapped tires.

- 1) Playground material is shredded tire rubber with all metals removed for use as ground cover around playground equipment.

- 2) Tire-derived fuel (TDF) is tire rubber shredded into approximately 2" size pieces that is mixed with coal for use in commercial or industrial power plants.

- c) White goods are dismantled to their constituent parts such as metals, plastics, rubbers, and gases such as freon. Gaseous constituents or byproducts shall be recycled in accordance with the Federal Clean Air Act of 1990 (42 USC 7401 et seq.). All other parts shall be sold or disposed of properly.

- d) Interested parties may contact the Correctional Industries Program in accordance with Section 117.50 to request information regarding recycling, including purchase or collection of such materials.

- e) Correctional Industries may sign contracts or enter into agreements with agencies identified by the Department as potential sources of recyclable materials.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public University Laboratory Schools

2) Code Citation: 23 Ill. Adm. Code 452

3) <u>Section Number:</u>	<u>Adopted Action:</u>
452.5	Amendment
452.10	Amendment
452.20	Amendment
452.30	Amendment

4) Statutory Authority: 105 ILCS 5/18-8.05(K)

5) Effective Date of Rulemaking: November 1, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 7351; July 2, 1999.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Section 452.10 was changed to provide that required assurances be submitted on a form supplied by the State Board of Education.

Section 452.30(a) was changed to reference Section 18-8.05 of the School Code.

Section 452.30(c) was changed to include examples of the type of student information that public university laboratory schools are required to submit on a form provided by the State Board of Education.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: These rules, adopted in 1983, govern the way in which laboratory schools that are established by public

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universities receive approval from the State Board of Education in order to receive general state aid payments under Section 18-8.05(K) of the School Code.

P.A. 90-548, effective December 4, 1997, changed the way in which these schools are required to report average daily attendance. During the process of updating that section of the rules, it became apparent that other clean-up was needed, since these rules had never been amended. The changes reflect the way in which this program currently operates.

16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Cliff Erwin
Quality Assurance
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777-0001
(217) 782-2948

The full text of the adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER m: POSTSECONDARY SCHOOLS

PART 452

PUBLIC UNIVERSITY LABORATORY SCHOOLS

Section

452.5 Assurances and Reporting Requirements

452.10 Pupils

452.20 Curriculum

452.30 Reporting and Payment Requirements

AUTHORITY: Implementing and authorized by Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)].

SOURCE: Adopted at 7 Ill. Reg. 5181, effective March 31, 1983; modified at 7 Ill. Reg. 15624; amended at 23 Ill. Reg. 13604, effective NOV - 1 1999.

Section 452.5 Assurances and Reporting Requirements

Public universities seeking approval of the State Board of Education to qualify for State aid for laboratory schools under Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] ~~(111-Rev-Stat-1981-ch-122-par-18-08)~~ shall annually submit on forms provided by the State Board of Education provide assurances that the school's policies and practices conform to the requirements of this Part following assurances and meet the following reporting requirements.

(Source: Amended at 23 Ill. Reg. 13604, effective NOV - 1 1999)

Section 452.10 Pupils

- a) Pupils shall be admitted without regard to race, national origin, sex, or handicapping condition.
- b) Pupils shall be admitted on a tuition-free basis.
- c) Pupils shall be afforded equal access to the courses of instruction that which are offered.
- d) The provisions of the Illinois School Student Records Act [105 ILCS 10] and of the State Board of Education's rules for Student Records (23 Ill. Adm. Code 375) ~~(111-Rev-Stat-1981-ch-122-par-59-1-et seq.)~~ shall apply.
- e) Pupils shall comply with Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] ~~(111-Rev-Stat-1981-ch-122-par-27-8-1)~~ regarding health examinations and immunizations. The requirements contained in

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the State Board of Education's rules for Health Examinations and Immunizations [23 Ill. Adm. Code 625] shall apply.

- f) Pupils shall be in attendance during the time the laboratory school is in session unless an excused absence is granted.

(Source: Amended at 23 Ill. Reg. 13604, effective NOV - 1 1999)

Section 452.20 Curriculum

- a) The basic branches of instruction required by Section 27-1 the compulsory attendance law of the School Code [105 ILCS 5/27-1] ~~(111-Rev-Stat-1981-ch-122-par-27-1)~~ shall ~~at a minimum~~ be provided.
- b) Physical education and training shall be provided as required by Section 27-5 of the ~~law in the~~ School Code [105 ILCS 5/27-5] ~~(111-Rev-Stat-1981-ch-122-par-27-5)~~.
- c) Information concerning innovative courses and teaching techniques shall be provided to the State Board of Education upon request.
- d) Pupils shall be afforded such supportive educational services as the university deems necessary.

(Source: Amended at 23 Ill. Reg. 13604, effective NOV - 1 1999)

Section 452.30 Reporting and Payment Requirements

- a) The average daily attendance of pupils at laboratory schools during the previous year shall be computed in the manner provided in Section 18-8.05 of the School Code ~~(111-Rev-Stat-1981-ch-122-par-18-0)~~ and reported as herein required in this Section.
- b) Pupils shall be reported in a manner that which identifies the local school districts in which they reside and would otherwise attend school.
- c) Laboratory schools shall submit pupil information (e.g., demographic information, dropout/truancy statistics, disciplinary data and number of students graduating) to the State Board of Education at least on an annual basis on forms supplied by the State Board of Education. Reports of pupils attending the laboratory school shall be submitted through the appropriate regional superintendent by June 20 of each year on forms provided by the State Board of Education for forwarding to the State Board of Education.
- d) Payments to public universities for laboratory schools shall be made in the time and manner provided in Section 18-11 of the School Code [105 ILCS 5/18-11] ~~(111-Rev-Stat-1981-ch-122-par-18-11)~~.
- e) Payments to public universities for laboratory schools shall be subject to audit and adjustment for error by the State Board of Education as provided by Section 2-3.33 of the School Code [105

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- ILCS 5/2-3.33] (Ill.-Rev.-Stat.-1981, ch. 122, par. 2-3.33).
 f) Reports for payment of State aid shall be submitted on forms provided by the State Board of Education in accordance with Section 18-12 of the School Code [105 ILCS 5/18-12] and shall include assurances that laboratory school facilities are in compliance with all applicable health, fire and safety requirements.
 g) Laboratory school facilities shall be in compliance with all applicable health, life and safety requirements.

(Source: Amended at 23 Ill. Reg. 13604, effective NOV 1 1994)

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: The Illinois Liquor Control Commission
- 2) Code Citation: 11 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:
100.10 Amendment
100.400 Amendment
- 4) Statutory Authority: The Liquor Control Act of 1934 [235 ILCS 5/3-12(a)(2) and Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725]
- 5) Effective Date of Amendments: October 28, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: July 30, 1999, 23 Ill. Reg. 8581
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed amendments and final version: In Section 100.10 and elsewhere in the text, changed "APA" to "IAPA." In Section 100.10, deleted the definition of "IAPA" after "Alcoholic Liquor" and added it after "Fair Dealing Act." In 100.40(a)(7), changed "Prayer" to "Requests". Reformatted 100.400(d), (e), (f), (g)(9) and (g)(16). All nonsubstantive changes agreed upon by the agency and JCAR have been made. Also, Section 100.400(e)(2) was changed from "establishing the status quo" to "directing the parties to continue business on a pre-termination basis", and (e)(3) was added containing the following language based on a comment received from the industry: "However, no immediate and irreparable harm, damage, or loss shall be deemed to result, for purposes of obviating the necessity of the required notice to Respondent and denying Respondent the requisite 7 days to respond, if the petitioner previously received at least 14 days prior written notice of Respondent's intent to terminate Petitioner." In 100.400(g)(9), the Commission's e-mail address was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace emergency amendments currently in effect? Yes

ILLINOIS LIQUOR CONTROL COMMISSION

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14) Are there any proposed amendments pending on this Part? No

15) Summary and Purpose of Amendments:

Section 100.10 - Adds definitions found in Section 100.400
 Section 100.400 - Outlines procedures to be followed for matters dealing with the Illinois Wine and Spirits Industry Fair Dealing Act, i.e. initiating a dispute resolution proceeding, response to application for dispute resolution, appearance, motions and petitions, preliminary relief, discovery and miscellaneous provisions.

16) Information and questions regarding these adopted amendments shall be directed to:

Anne T. Treonis
 Legal Counsel
 Illinois Liquor Control Commission
 100 W. Randolph St., #5-300
 Chicago, IL 60601
 (312)814-2604 e-mail: anne.treonis@cms.state.il.us

The full text of the adopted amendments begins on the next page:

ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE A: ALCOHOL

CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

Section	
100.5	Penalties
100.10	Definitions
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
	Registration of Tasting Representatives
100.40	Advertising
100.50	Geographical Territories
100.60	Labels
100.70	Bonds (Repealed)
100.80	Credit to Retail Licensees
100.90	Internal Changes Within Corporations
100.100	Application Forms
100.110	Railroad Licenses
100.120	Books and Records
100.130	Miniatures (Repealed)
100.140	Salvaged Alcoholic Liquors
100.150	Sanitation
100.160	Taps
100.170	Procedure Before Commission on Citations
100.180	Procedure Before Commission on Request for Continuance of Any Hearing
100.190	Wagering Stamps (Repealed)
100.200	Inducements
100.210	Retail Licensee Clubs (Repealed)
100.220	Resumption of Business on Appeal
100.230	Transactions Involving Use of Checks and Their Equivalent (Repealed)
100.240	Transfer of Alcohol
100.250	Uniform Systems of Accounts
100.260	Multi-Use Facilities
100.270	Giving Away of Alcoholic Liquors
100.280	Refilling
100.290	Authorization to Remove Bottles
100.300	Food Service at Park Districts
100.310	Airplanes
100.320	Advertising
100.330	Petitions for the Adoption, Amendment or Repeal of a Rule
100.340	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
100.350	Review on Record -- Certification of Ordinance
100.360	Procedures Before the Commission
100.370	

ILLINOIS LIQUOR CONTROL COMMISSION

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- 100.380 Ex Parte Consultations
 100.390 Transcripts--Administrative Review
 100.400 Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act ~~(Renumbered)~~
 100.410 Ex Parte Consultations (Renumbered)

AUTHORITY: Implementing and authorized by Section 3-12(2) of the Liquor Control Act [235 ILCS 5/3-12(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 23 Ill. Reg. 3787, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 8681 ~~3-6-99~~ effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8681, effective 06/28/99.

Section 100.10 Definitions

The following words or phrases are defined as follows:

"Act" means the Illinois Liquor Control Act [235 ILCS 5].

"Airplane" shall be deemed to include railroads and airplanes.

"Alcoholic Liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and, in the judgment of the Commission, capable of being consumed as a beverage by a human being. The word "solid" means any substance which, by dilution or processing, becomes an alcoholic beverage.

"Commission" means Illinois Liquor Control Commission.

"Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit.

"Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 [805 ILCS 5], including a limited liability company as defined in this Section.

"Event" means a single theme.

"Fair Dealing Act" means the Illinois Wine and Spirits Industry Fair

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Dealing Act [815 ILCS 725] [see P.A. 91-2, effective May 21, 1999].

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Limited Liability Company" means a legal business entity created and recognized under the Illinois Limited Liability Company Act [805 ILCS 180].

"Manager" or "Agent" means any individual employed by any licensed place of business, provided the individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as the Commission shall from time to time prescribe.

"Manufacturer" shall include every person who, in the process of filling or refilling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever.

"Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks.

"Minor" means a person under 18 years of age. (See A.G. opinion No. S-672 12/27/73.)

"Partner" is any individual who is a member of a co-partnership.

"Person" includes corporations, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, and executors, administrators or other personal representatives of decedents.

"Premises" or "Place of Business" means the place or location where alcoholic beverages are manufactured, stored, displayed, or offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location.

"Resident" means any person (other than a corporation) who has resided, and maintained a bona fide residence, in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 days prior to making application for such license.

"Service Bar" means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food preparation area, or wait or server station area of a retail licensee

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who primarily serves meals, as described in this Section.

"Tasting" means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof. Only products registered with the Commission may be tasted in the following amounts: Distilled Spirits 1/4 oz., Wine 1 oz., and Beer 2 oz.; notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40.

"Test Marketing" means to test new products or products unfamiliar to the sampler through a marketing firm or the like.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, provided that the alcoholic content thereof does not exceed 24 per cent of alcohol by volume.

(Source: Amended at 23 Ill. Reg. 13609, effective 06/28/1999)

Section 100.400 Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act (renumbered)

Pursuant to the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725] (see P.A. 91-2, effective May 21, 1999), Section 6-9 of the Liquor Control Act [235 ILCS 5/6-9], Section 100.60 of this Part, and the Illinois Administrative Procedure Act [5 ILCS 100], in all disputes presented to the Commission under Section 35 of the Fair Dealing Act, the following procedures shall be followed:

- a) Initiating a dispute resolution proceeding.
The aggrieved party shall file an application (petition, request for relief) with the Commission that shall include, at a minimum, the following information (the application may be supported by documentation, which shall be made a part of the application, supplying all or any part of the information):
 - 1) The party's license classification (i.e., distributor, importing distributor) and Illinois liquor license number and date of expiration.
 - 2) All opposing parties' license classification (i.e., non-resident dealer) and Illinois liquor license number and date of expiration, if known.
 - 3) A copy of any written agreement between the parties under which the "distributorship relationship" was established; if no written agreement exists or is otherwise unavailable, the essential terms

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of the agreement shall be pled.

- 4) A copy of all Registration Statements filed with the Commission granting to the distributor the right to sell at wholesale in Illinois; if no such Registration Statement is available, a statement specifying the trademark, brand or name of alcoholic liquor (product), the geographic area or areas, and the period of time for which the rights are granted.
- 5) A copy of the Withdrawal of Registration filed with the Commission withdrawing from the distributor the right to sell at wholesale distilled spirits and/or wine in Illinois; if no such Withdrawal is available, a statement specifying the trademark, brand or name of alcoholic liquor (product), the geographic area or areas, and the period of time for which such rights are withdrawn.
- 6) A detailed statement of the facts and circumstances giving rise to the allegations of violation of the Fair Dealing Act. Evidence shall not be pled.
- 7) Requests for relief, which may include both temporary (preliminary) and permanent relief, if applicable.
- 8) The document shall be certified as provided in subsection (g)(15).

The matter shall be docketed by the Commission and given a file number that should be used on all subsequent documents.

The parties to a request for resolution of a dispute under the Fair Dealing Act shall be designated as "Petitioner" and "Respondent". There shall be no other parties joined in the matter without the filing of a motion or petition and the entry of an order by the Commission allowing the joinder of additional parties.

b) Response to application for dispute resolution.

The responding party shall file a response (answer) to the application (petition, request for relief), admitting, denying, averring no knowledge, or such other response as it may deem appropriate, to each allegation in the application; information or documentation supplying additional information in response to the application may also be made a part of the response. The responsive document shall contain the information required under subsections (a)(1) through (6) and (8) of this Section if any allegations in the application are denied. Evidence shall not be pled.

The response shall be filed with the Commission not later than 21 days after service upon the party.

c) Appearance.

Each party appearing before the Commission shall file an appearance, using the Commission form or a reasonable facsimile, that shall contain all information requested in the Commission form. The filing of an appearance with the Commission shall be deemed to authorize the Commission to direct all subsequent communication, verbal, written and electronic, to the listed address or addressee. Service of the communication to that address or addressee shall be deemed service

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upon the party or attorney.

d)

1) Motions directed to the adequacy or sufficiency of the application may be filed with the Commission in lieu of a response under subsection (b); the motion shall be filed not later than 14 days after service of the application. The Petitioner may file a response to the motion within 7 days after service of the motion.

2) Motions or petitions seeking to vacate, alter or otherwise modify orders entered by the Commission shall state all relief sought and all bases upon which relief is sought, and shall be supported by all documentation bearing upon the relief and bases. If documentation is unavailable, the content may be pled with specificity and the party's inability to produce documentation shall be detailed in the motion or petition. The opposing parties may file their response to the motion or petition not later than 7 days after service.

3) The Commission shall take motions or petitions and any responses under advisement and enter its written ruling on the documents filed. Oral argument on motions or petitions and responses shall not be allowed except on order of the Commission.

e) Preliminary relief.

1) If the Petitioner has requested or filed a supplementary (additional) request (motion, petition) for preliminary relief, the Respondent shall be served with notice of the intent of the Petitioner to appear before the Commission to request the entry of an Order granting the relief. The Respondent shall be allowed to file a written response to the notice of intent to request preliminary relief not later than 7 days after service of the notice, and the Commission shall set the request and response for hearing as soon as practicable. The party moving the Commission for the entry of a preliminary order shall have the burden of establishing the entitlement to relief, unless the Fair Dealing Act provides to the contrary.

2) No preliminary order directing the parties to continue business on a pre-termination basis shall be entered without notice to the opposing party or attorney, as the case may be, unless it clearly appears from the facts shown by verified application or by affidavit if by supplemental request (motion, petition) that immediate and irreparable harm, damage or loss will result to the movant before notice can be served and a hearing on the application can be had. In the event the Commission issues, without prior notice, any preliminary order it deems necessary and appropriate, it shall set the matter for preliminary status report at its next regularly scheduled hearing, or within 30 days after the entry of the order, or upon motion of any party, whichever occurs first.

3) However, no immediate and irreparable harm, damage, or loss shall

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be deemed to result, for purposes of obviating the necessity of the required notice to Respondent and denying Respondent the requisite 7 days to respond, if the Petitioner previously received at least 14 days prior written notice of Respondent's intent to terminate Petitioner.

4) In the event the Commission enters an order granting the preliminary relief, the order shall remain in full force and effect during the pendency of the matter and until the occurrence of any event set forth in Section 35(e) and (f) of the Fair Dealing Act, unless previously vacated, dissolved or modified by subsequent order.

5) Documents seeking such preliminary relief and opposing same shall be certified as provided herein.

f) Discovery.

1) "Document" as used in this subsection (f) shall include but not be limited to: papers; photographs; video; audio; electronic or magnetic recordings; memoranda; books; records; accounts; all written or oral communications; and retrievable information in computer storage.

2) Any party may obtain by discovery the full disclosure of information concerning the subject matter of the proceeding, which may be secured through any or all of the following discovery methods. Discovery shall not be duplicative or repetitions.

3) Methods of discovery:

- A) Depositions upon oral questions or written interrogatories.
- B) Written Interrogatories.
- C) Requests for production of documentation.
- D) Requests for the admission of facts or the genuineness of documents.

4) Parties shall serve discovery documents upon the opposing party or attorney. The notice of filing and proof of service of the discovery shall be filed with the Commission stating the nature of the discovery served (i.e., interrogatories, request for production of documents, etc.) but the documents served upon the opposing party or attorney shall not be filed with the Commission.

5) Response to discovery documents shall be served upon the opposing party or attorney and the original response shall be filed with the Commission.

6) Discovery to which written responses are required shall be responded to within 30 days after service of the discovery upon the party or attorney requested to respond.

7) Motions with respect to discovery shall be filed with the Commission and copies served upon the opposing party or attorney. The opposing party or attorney may file with the Commission a response to the motion. Motions and responses shall contain all grounds upon which the movant and respondent rely. Copies of the

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discovery to which the motions are directed shall be filed with the motion. Privilege, relevance, materiality, work product or other claims asserted in avoidance of responding to discovery hereunder shall be defined in accordance with Section 10-40 of the IAPA [5 ILCS 100/10-40], and such claims shall be promptly communicated to the opposing party and the Commission by the filing of an objection to the discovery claimed to be exempt from production.

- 8) The Commission shall take the motions and responses under advisement and enter its written ruling on the motion and response. Oral argument on the motions and responses shall not be allowed except on order of the Commission.

9) Miscellaneous provisions.

- 1) Hearing. Conduct of the hearing shall be in accordance with Section 10-25 of the IAPA.

- 2) Record. A record of all proceedings before the Commission in open hearing shall be maintained in accordance with Section 10-35 of the IAPA.

- 3) Standard of Proof. The standard of proof shall be the preponderance of the evidence in accordance with Section 10-15 of the IAPA.

- 4) Rules of Evidence. The admission of evidence shall be in accordance with Section 10-40 of the IAPA.

- 5) Stipulations. The Commission directs the parties and attorneys to prepare written stipulations of facts not in dispute, of the applicable law, and of all other matters to which there is agreement. The stipulation shall be filed with the Commission as soon as practical.

- 6) Subpoenas. Any party may request the Commission to issue a subpoena requiring the presence of any party or witness or for the production of documentation.

- 7) Legal Precedent. Any party citing case law or other legal precedent for the Commission's consideration shall file with the Commission copies of the case law or precedent. If the case law or precedent is cited in a motion, brief or other document filed with the Commission, copies of the case law or precedent shall be appended to the document.

- 8) Notice of filing and proof of service shall be required on all documents filed with the Commission and served upon the opposing party or attorney.

- 9) Service of Documents. All applications for relief under the Fair Dealing Act shall be sent to the opposing party by certified or registered mail with return receipt requested; the original return receipts shall be filed with the Commission. All subsequent documents shall be served upon the opposing party or attorney via regular mail, unless the Commission orders that the documents be served by another method. Any documents may be personally served upon the opposing party or attorney. Facsimile

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service of any document may be had unless any party or attorney files a written objection to that type of service. So-called "express company", "overnight", or "next day" delivery provided by the U.S. Postal Service or express carrier may be utilized for service upon the opposing party or attorney. E-mail service may be had of any document or communication unless any party or attorney files a written objection to that type of service. The Commission's e-mail address is: loc_webmaster@mail.state.il.us. All documents filed in the proceeding shall be filed with the Commission office at 100 West Randolph Street, Suite 5-300, Chicago, Illinois 60601.

- 10) Status Reports. The Commission shall set by order any status reports and status hearings it deems necessary to assure the progress of the matter.

- 11) Pre-Final Hearing Memoranda. The parties shall file, not later than 14 days prior to the Pre-Final Hearing Conference, a Pre-Final Hearing Memorandum utilizing the Commission form or other reasonably similar format that contains responses to all of the information requested on the Commission form.

- 12) Pre-Final Hearing Conference. Any party or attorney may file a written request, or the Commission may order, that the parties and attorneys attend a Pre-Final Hearing Conference at which the Commission shall consider:

- A) the simplification of issues;
- B) the amendments to any documents previously filed;
- C) the possibility of any or additional stipulations or admissions of fact, document or law;
- D) the anticipated scheduling of the final hearing;
- E) any other matters that the parties or attorneys may request the Commission to consider; and
- F) any other matters that may aid in the simplification of issues or the disposition of the matter.

At the request of any party or attorney, or in the exercise of the sound discretion of the Commission, further or additional conferences may be scheduled in the interests of justice and the resolution of the matter. At the conclusion of the conference process, the Commission may enter an order it deems in the interests of justice and the resolution of the matter. At the conclusion of the conference process, if there has been no resolution of the matter, the Commission shall set the final hearing date.

- 13) Hearing Exhibits. At the final hearing, the parties shall provide the Commission with an original and 6 copies of all documents, identified as either "Petitioner's Exhibit No. " or "Respondent's Exhibit No. ", which are

- 14) sought to be introduced into evidence at the hearing. Filing of Documents. An original and 6 copies of any documents in connection with the matter shall be filed with the Commission.

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- 15) Certification of Documents. Any document required under this Part to be under oath shall be under penalty of perjury, and may be accomplished by the use of a certification substantially stating as follows:

"I, _____, (capacity), certify that the statements set forth in the foregoing document are made upon my personal knowledge and such statements are true and correct, except as to matters stated to be on information and belief, and as to such matters I certify that I believe same to be true and correct.
(Signed)"

Certification of any document may also be accomplished via an appropriate attestation statement before a notary public.

- 16) Telephone Communication. Recognizing that the parties to disputes under the Fair Dealing Act may not be geographically amenable to receipt of written communication, especially when matters that may be deemed to be of an emergency nature are presented to the Commission for action, telephone communication may be employed, and on a case-by-case basis that communication will be evaluated for a determination of whether it is prohibited communication within the meaning of Section 10-60 of the IAPA and Section 100.380 of this Part. So-called "conference calls" shall include all affected parties and/or their attorneys and shall not be deemed to be prohibited communication. All oral communication shall be directed to the Commission office in Chicago, telephone number 312-814-2206, or other number as may be communicated to the parties and attorneys.

- 17) Hearing Officer. The Commission may appoint one or more of its members to act in the capacity of hearing officer to assist it in the exercise of the powers and the performance of the duties imposed upon it by the Fair Dealing Act, on any matters the Commission may refer for consideration, including but not limited to matters concerning discovery, the conducting of a preliminary hearing, the taking of evidence on motions, or other aspects of the matter it may deem necessary for the proper performance of the duties vested in it.

- 18) Hearing Schedule. The Commission's regular hearing schedule is set not less than one calendar year in advance and is published in accordance with the Open Meetings Act. The Commission shall set preliminary and final hearings to conform with its published schedule. The Commission shall set such special hearing dates as it deems necessary.

(Source: Former Section 100.400 renumbered to Section 100.370 at 8 Ill. Adm. Code 6041, effective April 19, 1984; new Section added at 23 Ill. Reg. 13609, effective 06/28/1999)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
2) Code Citation: 89 Ill. Adm. Code 148
3) Section Numbers: Adopted Action:
148.140 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- 5) Effective Date of Amendments: November 1, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: July 2, 1999 (23 Ill. Reg. 7475) and July 16, 1999 (23 Ill. Reg. 7840)

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences Between Proposal and Final Version:

July 2, 1999 (23 Ill. Reg. 7475)

In Section 148.140(b)(2)(A), "Effective October 1, 1999," has been deleted and "the" has been changed to "The".

The beginning of Section 148.140(b)(2)(A)(i) has been revised to read: "The device or drug is on an approved list maintained by the Department. In order to be approved,".

A new sentence has been added at the end of subsection (b)(2)(B) to read: "When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104."

Subsection (b)(2)(C)(ii) has been revised by changing "cost outlier" to "additional payment".

July 16, 1999 (23 Ill. Reg. 7840)

No changes have been made to this proposed rulemaking.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes. These amendments will replace emergency amendments that were published at 23 Ill. Reg. 8213, on July 16, 1999.
- 14) Are there any other amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.120	Amendment	July 16, 1999 (23 Ill. Reg. 8586)
148.295	Amendment	October 15, 1999 (23 Ill. Reg. 12576)
148.296	Amendment	October 15, 1999 (23 Ill. Reg. 12576)
148.298	Amendment	October 15, 1999 (23 Ill. Reg. 12576)

15) Summary and Purpose of Amendments:

July 2, 1999 (23 Ill. Reg. 7475)

These amendments to Section 148.140 are intended to provide additional payments for certain costly devices and drugs that are provided in outpatient settings. Such payments will be made if the specified device or drug is deemed to be medically appropriate for a specific client by the Department's physician consultants and is included on an approved list maintained by the Department. The changes specify that prior approval may be required in some cases. The rate determination methodology for these devices and drugs is provided in this rulemaking. These changes are a component of the Department's overall outpatient reform measures and are necessary to recognize the need for such services and provide adequate compensation for them. This rulemaking is expected to result in an annual budgetary increase of \$500,000.

July 16, 1999 (23 Ill. Reg. 7840)

These amendments to the Department's rules concerning hospital outpatient services are necessary to provide certain reimbursement and procedural changes for services under the Ambulatory Procedure Listing (APL) groupings as required by Public Act 91-0020. The revisions add clarifications about rates of payment for outpatient rehabilitation services provided by hospitals enrolled with the Department to provide inpatient physical rehabilitation services, and hospitals that are not enrolled to provide such services, and specify that reimbursement for each APL grouping shall be at an all-inclusive rate regardless of the hospital charges. Other changes allow hospitals to bill the Department separately, on a fee-for-service basis, for the professional services of certain providers of APL care who are salaried by the hospital. These changes will allow for parity by providing necessary reimbursement to hospitals since unsalaried providers are able to bill directly for their services,

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enabling the hospital to fully retain APL reimbursements. This rulemaking is a component of the Department's overall outpatient reform measures and is necessary to insure adequate reimbursement for essential medical services.

Related changes concerning APL services provided at Ambulatory Surgical Treatment Centers are also being adopted at 89 Ill. Adm. Code 146, Specialized Health Care Delivery Systems. These amendments were first published on July 16, 1999, at 23 Ill. Reg. 7846.

This rulemaking is expected to result in a budgetary increase of \$65.6 million for fiscal year 2000.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

- Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services
148.80 Organ Transplant Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.90 Heart Transplants (Repealed)
148.100 Liver Transplants (Repealed)
148.110 Bone Marrow Transplants (Repealed)
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991 Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
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148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
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- 148.290 Adjustments and Reductions to Total Payments
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148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390 Hearings
148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18

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Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16330, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3093, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective NOV - 1 1999.

Section 148.140 Hospital Outpatient and Clinic Services

a) Fee-For-Service Reimbursement

1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:

- A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
- B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
- C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code

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140.461(f)(1)(D) and Section 148.25(b)(5)(D).

D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.

2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service ~~fee-for-service~~ reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those hospitals) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).

5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.

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- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

- b) Ambulatory Procedure Listing (APL)
- Effective July 1, 1998, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.

1) APL Groupings

Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

A) Surgical Groups

- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment.
- ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment.

- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons.

- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures.

B) Diagnostic and Therapeutic Groups

- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician.

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- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study.
- iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician.

- iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures.

- C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described below. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

- i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment.

- ii) Emergency Level II refers to Emergency Services that do not meet the above definition of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity.

- iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II

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stated above. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. ~~The reimbursement rate for the screening fee will be the same as the current applicable rate for procedure code 9282 (emergency department visit) as specified in the Physicians Current Procedural Terminology, fourth edition (2004).~~

D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories: at least 60 minutes but less than six hours and 31 minutes of services; at least six hours and 31 minutes but less than 12 hours and 31 minutes of services; or 12 hours and 31 minutes or more of services.

E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(2) and the Illinois Medicaid State Plan.

F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services that are provided by a hospital that is enrolled with the Department to provide inpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide inpatient physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services.

2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:

A) With the exception of county-owned hospitals located in an Illinois county with a population greater than three million, and hospitals not required to file an annual cost

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report with the Department as specified in Section 140.2107 reimbursement rates for each of the reimbursement groups described above shall be the lesser of:

ii) the hospital's charge to the general public; or
iii) rates established by the Department.

The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:

i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and

ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.

B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.

C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:

i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;

ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.

D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be specified by the Department. However, such rates shall be

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no lower than the rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed above.

F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. The rate for each group is all-inclusive for services provided by the hospital, regardless of the amount charged by the hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are the one exception is that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care physicians who are salaried by the hospital, and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section who provide emergency-level or services in the emergency department. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.

4) County Facility Outpatient Adjustment

A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:

i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment

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equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.

B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:

i) "Base Year" means the most recently completed State fiscal year.

ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.

iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.

iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

5) No Year-End Reconciliation

With the exception of the retrospective rate adjustment described in subsection (b)(7) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

6) Rate Adjustments

With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(4) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (b)(4) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

7) Services are available to all clients in geographic areas in

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which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

- 8) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:

- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.

- 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).

- 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.

- 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.

- 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

- A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by

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- 6) the total allowable Medicaid days.
With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

- 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

- d) Non Hospital-Based Clinic Reimbursement

- 1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

- A) Base Rate. The per encounter base rate shall be calculated as follows:

- i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.

- ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.

- iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.

- iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.

B) Supplemental Rate

- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.

- ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.

- iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.

- iv) The resulting sum, as described in subsection

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(d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

C) Final Rate

i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.

ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.

iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.

3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

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e) Critical Clinic Providers

1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

- A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
- B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
- C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
- D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
- E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.

2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).

4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

(Source: Amended at 23 Ill. Reg. 13621, effective

November 1, 1999)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: Adopted Action:
153.100 Amendment
153.125 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
July 16, 1999 (23 Ill. Reg. 7843)
July 23, 1999 (23 Ill. Reg. 8328)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences Between Proposal and Final Version:

The following changes have been made in the texts of the proposed rulemakings.

July 16, 1999 (23 Ill. Reg. 7843)

In Section 153.100(w), "IOC of care" has been changed to "IOC".

The title of Section 153.125 has been changed as follows, "Long Term Care Facility Rate Adjustments Adjustment".

The new language in Section 153.125(c) has been revised to read:

- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

- 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;

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- 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
- 3) an increase of \$10.02 per person, per month for developmental training rates.

July 23, 1999 (23 Ill. Reg. 8328)

In Section 153.100(z), "Changes may" has been changed to "changes shall" and "nursing services for nurse supervision and" has been changed to "nursing and nurse supervision".

No other changes have been made in the texts of these proposed rulemakings.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? Yes. These amendments will replace emergency amendments that were published at 23 Ill. Reg. 8229, on July 16, 1999.

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments:

July 16, 1999 (23 Ill. Reg. 7843)

These amendments to the Department's rules regarding long term care reimbursement are necessary to provide certain reimbursement increases as required under Public Act 91-0020 and Public Act 91-0024.

Section 153.100 is being revised to provide for interim inspections of care (IOC) for intermediate care facilities for persons with developmental disabilities (ICF/MR), upon the facility's written request, if there has been a change in the resident population of a least 25 percent. Similar provisions are allowed for providers of developmental training services. These changes will provide for equitable rates relative to resident population levels.

Changes to Section 153.125 provide for rate increases for nursing facilities (SNF/ICF), ICF/MR facilities and developmental training agencies. These facilities will receive an increase of 1.6 percent for services provided on or after July 1, 1999. For ICF/MR facilities, rates shall be increased by an additional \$3.00 per resident day, and for developmental training services, rates shall be increased by an additional \$10.02 per person, per month.

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The Department anticipates an expenditure increase of \$25.3 million for fiscal year 2000 as a result of these changes affecting nursing facilities.

For the Department of Human Services, the changes affecting ICF/MR services are expected to result in an increase of \$12 million for fiscal year 2000.

July 23, 1999 (23 Ill. Reg. 8328)

These amendments regarding long term care reimbursement provide several changes as required by Public Act 91-0020, Public Act 91-0024 and Public Act 91-630 (Senate Bill 965).

The changes affecting Section 153.100 apply to residential facilities with 16 or fewer beds for persons with developmental disabilities (ICF/MR-16). As specified in Public Act 91-630 (Senate Bill 965), these amendments allow for changes in the active treatment rate component to reflect an increase of 13 hours of base nursing and nurse supervision for administration of medication by authorized direct care staff. Appropriations under Public Act 91-0020 will allow for implementation of these changes for services provided on or after January 1, 2000. These changes are expected to result in a budgetary increase of \$1.2 million during fiscal year 2000 for the Department of Human Services.

Other amendments pertaining to Section 153.125 will allow for an increase in nursing facility (SNF/ICF) rates amounting to \$4.00 per resident day for services delivered on or after October 1, 1999. These changes for nursing facility rates are required under Public Act 91-0024. The Department anticipates a budgetary increase of \$56.5 million for fiscal year 2000 as a result of these rate changes.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217/524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section	Reimbursement for Long Term Care Services
153.100	Long Term Care Facility Rate Adjustments Adjustment
153.125	Quality Assurance Review (Repealed)
153.150	

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999.

Section 153.100 Reimbursement for Long Term Care Services

a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.

b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.

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- c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).
- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.
- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).
- g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC, need not be met. The written request must contain documentation supporting the change in Medicaid census.
- i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally-disabled facility for persons with developmental disabilities to a community setting will be considered on a case-by-case basis.
- l) Fiscal year 1996 support rates may change based on the first cost report filed by new ownership reflecting six months or more of the new ownership's operation for any facility which changed ownership between July 1, 1992, and January 18, 1994. Only changes in ownership in arms-length transactions between unrelated parties will be recognized for this rate change. The new support rate for those facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561. Support rates for facilities which qualify under this exception will not be decreased by the provisions in this Section. The capital rates of facilities which changed ownership between July 1, 1992, and January 18, 1994, will not be subject to changes in the capital rate based on the provisions of 89 Ill. Adm. Code 140.571(b)(4), but can still be affected by the provisions of subsection (d) of this Section.
- m) For those for-profit facilities whose fiscal year 1994 capital rate

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- does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the geographic area in which the home is located.
- n) If a non-profit facility changes ownership on or after July 1, 1995, and the new owner is a for-profit facility, the real estate tax component will be added to the capital rate effective with the change of ownership as recognized by the Illinois Department of Public Health. The real estate tax component will be added at the geographic area median tax rate in effect for the month in which the real estate tax becomes effective.
- o) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital rate will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).
- p) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.
- q) Rates may change based upon verification of the delivery or non-delivery of psychiatric rehabilitation services to individuals with mental illness residing in nursing facilities. Psychiatric rehabilitation services program reimbursement will be dependent upon the facility meeting all criteria specified in 89 Ill. Adm. Code 147.300 through 147.345.
- r) The flat per diem paid to ICFs/MR to cover the cost of non-emergency dental services pursuant to 89 Ill. Adm. Code 144.275 and 144.300 will be increased from \$.30 to \$.40.
- s) Day training provider rates shall be increased by three percent for services provided on or after July 1, 1996.
- t) Effective for services provided on or after July 1, 1996, facilities which are located in an area which has changed geographic designation due to unique labor force factors shall have rates recalculated based upon the ceilings and norms of the newly designated geographic area.
- u) The add-on to the final nursing rate for care planning identified in 89 Ill. Adm. Code 147.205 will be increased from \$.35 to \$.45.
- v) Long term care facilities that have been assigned a median tax rate on the basis of geographic area in accordance with 89 Ill. Adm. Code 140.560(b) and subsections (m) and (n) of this Section shall subsequently have those rates recalculated based upon the first full tax bill received by that facility. The revised rate will be the greater of the recalculated rate or the rate in effect from the aforementioned Section and subsections. Rates revised in accordance

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with this subsection shall result in payments retroactive to July 1, 1997, for those facilities whose first full tax bill is received by the Department no later than September 30, 1998. Rates for facilities whose first full tax bill is received after September 30, 1998, will be effective on the date the Department receives the first full tax bill. In order to calculate the potential tax rate, the real estate tax from the first full tax bill for the long term care property will be divided by the greater of the annualized capital days (see 89 Ill. Adm. Code 140.570(b)(3)) from the cost report used to calculate the remainder of the capital rate in accordance with 89 Ill. Adm. Code 140.570 through 140.574, or 93 percent of annualized bed days based upon the number of licensed beds available at the end of the period covered by the tax bill. No inflation factor will be used for this calculation.

w) Interim IOCs may be conducted in an ICF/MR, at the facility's written request, if there has been a change in the resident population of at least 25 percent since the last IOC used to set the rate. A facility is limited to one request in any 12 month period. The rate effective date will be the first day of the month following the month of the facility's written request. The written request must contain documentation supporting the change in the resident population.

x) Interim IOCs may be conducted for developmental training services when the population of an ICF/MR changes by at least 25 percent since the last IOC used to set the rate. The ICF/MR is limited to one request in any 12 month period. The rate effective date will be the first day of the month following the month of the facility's written request. Documentation must be submitted supporting the change in the resident population.

y) Rates shall be adjusted for an ICF/MR entering into a downsizing agreement with the Department of Human Services, under the provisions of 89 Ill. Adm. Code 140.560, with the rate effective on the date a benchmark for such downsizing is achieved.

z) For an ICF/MR with 16 or fewer licensed beds, rate changes shall be made in the program active treatment rate component to reflect an increase of 13 hours of base nursing and nurse supervision for administration of medication by unlicensed direct service staff, effective for services provided on or after January 1, 2000.

(Source: Amended at 23 Ill. Reg. 13638, effective NOV 1 1999)

Section 153.125 Long Term Care Facility Rate Adjustments Adjustment

a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.

b) Notwithstanding the provisions set forth in Section 153.100, long term

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care facility (SNF/ICF and ICF/MR) rates and day training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.

c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

- 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
- 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
- 3) an increase of \$10.02 per person, per month for developmental training rates.

d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.

(Source: Amended at 23 Ill. Reg. 13638, effective NOV 1 1999)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.24 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 30, 1999 (23 Ill. Reg. 8603)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences Between Proposal and Final Version: In subsection (b), "Providers" has been changed to "providers". No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.461	Amendment	January 4, 1999 (23 Ill. Reg. 128)
140.462	Amendment	January 4, 1999 (23 Ill. Reg. 128)
140.481	Amendment	August 20, 1999 (23 Ill. Reg. 9733)
140.497	Amendment	August 20, 1999 (23 Ill. Reg. 9733)

- 15) Summary and Purpose of Amendments: These amendments address the Department's rules on payment procedures for providers of medical services who are enrolled in the Illinois Medical Assistance Program. The changes are being made to redefine policy on designation of a payee for such services.

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The amendments provide clarifications regarding providers who can, and cannot, designate an alternate payee. Providers enrolled as individual practitioners are permitted to have more than one payee since some such practitioners provide services at multiple locations. The new provisions define "individual practitioner" and provide a listing of acceptable payee categories. However, providers enrolled as business entities are limited to one payee that can be the corporate or partnership name. Business entities may have many locations, and each location must be separately inspected and licensed, and then independently enrolled in the Medical Assistance Program. Therefore, there is no need for more than one specified payee for each location. A definition as to the meaning of "business entity" is provided.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones
Address: Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
Telephone: (217) 524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited

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- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Terminated, Suspended or Barred Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
- 140.72 Voucher Advance Payment and Expedited Payments
- 140.73 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section

- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)

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140.361	Non-Participating Hospitals (Recodified)
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140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
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140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.413	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
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140.429	Limitations on Chiropractic Services (Repealed)
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140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
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140.444	Compounded Prescriptions
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140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Clinic Services
140.453	Definitions
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140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;

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amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 236, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1360, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12

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Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective

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October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993;

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amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective

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October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.24 Payment Procedures

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller. ~~Payments for services rendered by medical providers will only be mailed to:~~
- b) All providers of medical services must designate a payee when enrolling in the Illinois Medical Assistance Program.
- 1) Providers enrolled as business entities are limited to one payee.
- A business entity is defined as any firm, corporation, partnership, agency, institution or other legal organization organized for the purpose of providing medically related professional services. A provider enrolled as a business entity may designate the corporate or partnership name as the payee. The mailing address for the payee must be the provider's service address or the designated address of the corporate or partnership office.
- 2) Providers enrolled as individual practitioners are allowed to have more than one payee. An individual practitioner is defined as an individual person licensed by an authorized state agency to provide medical services. Payment may be mailed to an individual practitioner at one of the following:
- A) The provider's service address; or
- B) The provider's ~~individual~~ ~~practitioner~~ ~~residence~~ ~~or~~ ~~proprietorship~~ residence; or
- C) The provider's designated alternate address; or
- D) The address of the provider's designated alternate payee pursuant to subsection (d) of this Section ~~or~~; or
- E) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- C) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. After approval is given, the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.
- d) The Department shall permit individual practitioners to designate an alternate payee if one of the following conditions is met:
- The medical practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school.
 - The medical practitioner is part of a practitioner owned group practice consisting of three or more full-time licensed practitioners or the equivalent thereof.

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- 3) The medical practitioner is employed by a practitioner who requires, as a condition of employment, that the fees be turned over to the employer.

(Source: Amended at 23 Ill. Reg. 13646, effective NOV 1 1999)

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- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Numbers: 146.130 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 16, 1999 (23 Ill. Reg. 7846)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences Between Proposal and Final Version:
New language has been added at the beginning of Section 146.130(a) to read: "With respect to all non-APL procedures,".
In Section 146.130(b), "Section 148.140(b)" has been changed to "89 Ill. Adm. Code 148.140(b)".
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments to the Department's rules concerning Ambulatory Surgical Treatment Centers (ASTCs) provide clarifications on reimbursement for Ambulatory Procedure Listing (APL) services that are provided in ASTCs. These amendments are intended as companion amendments to proposed amendments that are also being filed at

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89 Ill. Adm. Code 148.140, Hospital Outpatient and Clinic Services, pursuant to the fiscal year 2000 budget plan under Public Act 91-0020. These changes are a component of the Department's overall outpatient reform measures and are necessary to insure adequate reimbursement for essential medical services.

These changes concerning ASTCs are expected to result in a budgetary increase of \$70,000 for fiscal year 2000.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	
146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section	
146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge Criteria
146.260	Grievance Procedure
146.265	Records Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Termination or Suspension of SLF Provider Agreement
146.285	Voluntary Surrender of Certification
146.290	Geographic Areas

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; New Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150

DEPARTMENT OF PUBLIC AID

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days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective Nov. 1 1999.

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section 146.130 Reimbursement for Services

- a) With respect to all non-APL procedures, reimbursement Reimbursement levels shall be at the lower of the ASTC's usual and customary charge to the public or the Department's Statewide maximum reimbursement screen.
- b) With respect to APL procedures described in 89 Ill. Adm. Code 148.140(b)(1), reimbursement for such services shall be at an all-inclusive rate for facility services, and shall be calculated at 75 percent of the applicable group rate paid for that same procedure in a hospital outpatient setting, as described under 89 Ill. Adm. Code 148.140(b).
- c) Laboratory, x-ray, or prescription services or professional physicians' services, in connection with a covered surgical procedure, must be billed by the providers rendering such services. If the ASTC provides the lab or x-ray service, then:
 - 1) Separate billing is NOT allowed if provided on the day of surgery; or
 - 2) Separate billing IS allowed if provided on other than the day of surgery.
- d) The providers described in subsection (c) of this Section must meet all applicable license, enrollment and reimbursement conditions of the Department of Public Aid, Department of Public Health and the Department of Professional Regulation.

(Source: Amended at 23 Ill. Reg. 13663, effective Nov. 1 1999)

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1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3) Section Number: Adopted Action:
1600.80 Amended
1600.120 New
1600.130 New

4) Statutory Authority: Implementing and authorized by 40 ILCS 5/15-177

5) Effective Date of Amendment: November 1, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 23, 1999, 23 Ill. Reg. 8348

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Difference between proposal and final version:

1. In Section 1600.80(a)(3)(C), capitalized "hearing".
2. In Section 1600.80(a)(7)(D)(i), added subsection label "i)" before "Disqualification".
3. In Section 1600.80(a)(7)(D)(ii), added subsection label "ii)" before "Ex Parte".
4. In Section 1600.80(a)(7)(E)(i), added subsection label "i)" before "Claims Committee Recommendation".
5. In Section 1600.80(a)(7)(E)(ii), added subsection label "ii)" before "Executive Committee Decision".
6. In Section 1600.120, deleted subsection (d)(3), which read "a change in position; for example, changing position from professor to dean;".
7. In Section 160.120(d), relabeled subsections "4)" and "5)" to "3)" and "4)", respectively.
8. In Section 160.120(d)(4), before the period added ", such as the teaching of a course additional to the customary load or performance of duties additional to, and not in replacement of, the employee's regular duties".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment:

Section 1600.80 amends administrative hearing procedures.

Section 1600.120 implements a 20% limitation on final rate of earnings increases.

Section 1600.130 implements procurement.

16) Information and questions regarding this adopted amendment shall be directed to:

Dan M. Slack, General Counsel
State Universities Retirement System
P.O. Box 2710
Champaign, IL 61825-2710
(217) 378-8877

The full text of the adopted amendment begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYERS

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600

UNIVERSITIES RETIREMENT

Section	Definitions
1600.10	Dependency of Beneficiaries
1600.20	Crediting Interest on Employee Contributions and Other Reserves
1600.30	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.40	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.50	Procedures to be followed in Medical Evaluation of Disability Claims
1600.70	Rules of Practice-Nature and Requirements of Formal Hearings
1600.80	Excess Benefit Arrangement
1600.90	Freedom of Information Act
1600.100	Open Meetings Act
1600.110	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.120	Procurement
1600.130	Chart Outlining Hearing Procedures (Repealed)
APPENDIX A	

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective NOV - 1 1999.

Section 1600.80 Rules of Practice-Nature and Requirements of Formal Hearings

a) Proceedings

1) Administrative Determination.

The administrative staff of the System shall be responsible for the daily claims-processing function of the System, including processing of all claims for benefits or service credit or any other claims against or relating to the System.

2) Review by Deputy Associate-Executive Director.

Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the administrative staff may file a written request for review by the appropriate Deputy Associate

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Executive Director of the System. A request for review by the **Deputy Associate-Executive** Director must be submitted within 30 days after the decision from which review is sought. The **Deputy Associate-Executive** Director's review will be based upon all materials contained in the file, as well as any additional materials **the staff or** the claimant attaches to the written request for review filed with the **Deputy Director wish to submit** pertaining to the claim.

3)

A) Petition. Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the **Deputy Associate-Executive** Director may request, in writing, **petition for a Hearing** before the Claims Committee. A request **petition** for a Hearing must be submitted to the General Counsel of the System, or his or her designee, **Executive-Director** within 30 days after the decision from which review is sought.

B) Statement of Claim. Upon filing a request **petition** for a Hearing, the claimant shall be informed that he or she is required to file a Statement of Claim no later than 30 days in advance of Hearing, which shall include: the claimant's **petitioner's** name, social security number, and address; the name and address of the claimant's **petitioner's** authorized representative, if any; a statement of the facts forming the basis for the appeal, **which may include any new or additional evidence**; any documents or other materials the claimant **petitioner** wishes to be considered in conjunction with the appeal; and an explanation of the relief sought.

C) Notification. Upon scheduling of a Hearing before the Claims Committee, a **claimant petitioner** shall be provided with written notice of: the date, time and place of the Hearing; the subject matter of the Hearing; and relevant procedural and substantive statutory and regulatory provisions [5 ILCS 100/10-25]. Notice of the Hearing shall also inform the claimant **petitioner** that he or she will be afforded the opportunity to provide a statement of his or her position, present oral or documentary evidence, and conduct such examination and cross-examination of witnesses as is necessary for full and true disclosure of the facts. Notice shall be given to the claimant **petitioner** that he or she is required to provide written confirmation, at least three days prior to the scheduled date of the Hearing, of his or her intent to appear at the Hearing, whether in person or by telephone conference call. The claimant is not required to appear at the Hearing. The claimant may appear at the hearing by telephone conference call. **The Petitioner is not required to appear at the Hearing.** In the absence of the claimant **petitioner**, the Claims Committee will consider

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the claimant's **petitioner's** Statement of Claim and such other matters as may be properly brought before it at the Hearing.

D) Pre-hearing Conference. Upon request of the General Counsel **petitioner** or upon the decision of the Hearing Officer **Associate-Executive-Director**, a pre-hearing conference shall may be held **scheduled** for the purpose of simplification or definition of issues or procedures at the Hearing.

E) Representation. The claimant and **petitioner**, the System or any **interested-party** may be represented by counsel or a designated spokesperson at the Hearing.

F) It shall be the burden of the claimant to establish a right to the benefit claimed, or the right to the continuation of the benefit claimed in cases of revocation of the benefit by the System, by establishing such right by a preponderance of the evidence.

4)

All discovery is at the discretion of the Hearing Officer. Requests to take discovery must be made in writing to the Hearing Officer with notice to the other party. Discovery may be taken with the prior permission of the Hearing Officer only upon good cause shown, that is, if the evidence sought is material and cannot be obtained in any other way. Failure to comply with orders of the Hearing Officer may be sanctioned by the Hearing Officer, by sanctions including, but not limited to, dismissal of a claim. **Notwithstanding the foregoing, each party shall, on request by the other party or by the Hearing Officer, serve on the other parties and the Hearing Officer a list of potential witnesses who may be called upon to testify at the Hearing. Such list shall include the home address and place of employment of each witness and shall be served within 7 days after receipt of the request.**

5)

A) The Hearing Officer may order the taking of evidence depositions, specifying the subject matter to be covered, of a person under oral examination or written questions, for use as evidence at the Hearing, provided:

- i) The Hearing Officer has determined upon request that there is a need to preserve a person's testimony;
- ii) Such request is made on motion by a party who gives notice of such motion to the other party; and
- iii) The Hearing Officer has determined that an evidence deposition containing such oral testimony will be necessary to the Claims Committee in determining the merits of the claim.

B) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases, and the order for the taking of a deposition may provide that any

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designated books, papers, documents, or tangible objects that are not privileged shall be produced at the same time and place.

C) Any party to the Hearing shall, during any deposition process, have the right to confront and cross-examine any witness whose deposition testimony is to be presented to the Claims Committee.

D) Depositions shall be taken in the county of residence or employment of the witness, unless the witness waives such right in writing.

E) Depositions shall be taken at the cost of the party requesting the deposition.

6) Subpoenas.

A) The Hearing Officer may request the Secretary of the Board to issue a subpoena to compel the attendance of a witness at an evidence deposition or the production of documents when such witness has, or such documents contain, relevant evidence. A party may also request the Hearing Officer to request the Secretary of the Board to issue a subpoena to compel the attendance of a witness at an evidence deposition or the production of documents. The request shall either be in writing or on the record and shall:

- i) Identify the witness or document sought; and
- ii) State the facts that will be proven by each witness or document sought.

B) The Hearing Officer shall grant or deny the request, either in writing or on the record. If the request for subpoena is granted, the Hearing Officer shall, if necessary, reschedule the hearing to a specific date. The request for subpoena shall be denied if the Hearing Officer finds that the evidence sought is immaterial, irrelevant, or cumulative. If the request for subpoena is denied, the specific reasons for denial of the request shall be made part of the record on appeal.

C) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena, and shall present the application to the Hearing Officer, at the same time serving a copy of the application upon the other party. If satisfied that the subpoena was properly served and that the application is in proper form, the Hearing Officer shall sign a subpoena to be submitted with the application and the party seeking the subpoena may then file and prosecute the application to the circuit court, in the name of the Board of Trustees of the System. The petitioner in the application shall be styled as "[Name of Petitioner] ex rel. Board of Trustees of the State Universities

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Retirement System of Illinois" unless the petitioner is the System, in which case the petition shall be brought in the name of the Board of Trustees. In the event of an application being filed with the circuit court, the matter shall be continued pending the outcome of the application to enforce the subpoena.

D) The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State and shall be paid by the party seeking the subpoena.

7) Conduct of the Hearing.

A) Hearing Officer Claims-Committee. The Hearing shall be conducted by the Hearing Officer Claims-Committee. Other members of the Claims Committee may, but are not required to, attend the hearing. The Hearing Officer shall have full power to conduct the hearing and the presence of any other members of the Claims Committee is not required. The Hearing Officer shall be one of the members of the Claims Committee chosen by them to be the Hearing Officer. The Claims Committee shall be composed of the Executive Director of the System (the agency head) and two additional members chosen by the Board of Trustees, at least one of whom shall be a Board member. The final member of the Claims Committee shall be selected from the membership of the Board of Trustees, participants in the System, or attorneys licensed to practice law in the State of Illinois. At a minimum, the members of the Claims Committee shall have a general familiarity with the provisions of the Illinois Pension Code and the rules, regulations, and policies of the System and the rules of evidence as applied in civil cases.

B) Procedures. The Hearing Officer Claims-Committee shall choose one of its members to act as Presiding Officer over the hearing. The Presiding Officer shall conduct a full and fair hearing, receive testimony of the claimant and admit exhibits into and documentary evidence, avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the Hearing Presiding Officer shall make all procedural and evidentiary rulings necessary for the conduct of the hearing. As a general matter, the rules of evidence as applied in civil cases in the circuit courts of the State of Illinois shall be followed; however, evidence inadmissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in conduct of their affairs. Any part of the evidence may be received in written form, provided that the interests of the parties will not be prejudiced. Notice may be taken of generally

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recognized technical facts within the agency's specialized knowledge and the agency's experience, technical competence and specialized knowledge may be used in evaluation of the evidence. [5 ILCS 100/10-40] The Hearing Officer, and any member of the Claims Committee attending the hearing, ~~Members of the Claims Committee~~ may ask questions necessary for better understanding of the facts or law. The Hearing Officer shall have the authority to impose reasonable time limits for each party to present its case and shall, in general, have the power to manage and control the Hearing process. The Hearing shall be open to the public unless the Hearing ~~Presiding~~ Officer, for good cause shown, determines ~~shall determine~~ otherwise.

~~C)+++~~ Record of Proceedings. Two records ~~A--record~~ of proceedings shall be kept that which shall be in the form of:

- i) a non-verbatim "bystander's report"; and
- ii) either a stenographic transcription or a tape recording. The claimant ~~Petitioner~~ may obtain a stenographic transcription or a copy of a tape recording of the Hearing by making a timely request and paying the actual cost entailed.

~~D)++~~ Disqualification ~~Disqualifications~~; Ex Parte Communications.

- i) Disqualification ~~Disqualifications~~. A Hearing Officer or other ~~Any~~ member of the Claims Committee may be ~~disqualified to preside at the Hearing on grounds of bias or conflict of interest~~. A motion to disqualify a Hearing Officer ~~Claims Committee~~ or other member of the Claims Committee for bias or conflict of interest should be made to the Hearing Officer ~~Committee~~ by any party to the Hearing at least one week ~~three--days~~ prior to the commencement of the Hearing, with a copy of the motion to be simultaneously submitted to the General Counsel ~~opposing--party--or--that--party's attorney--of--second~~. The motion shall be heard, considered and ruled upon by the Hearing Officer ~~Claims--Committee~~ at or prior to the commencement of the Hearing. The movant shall have the burden of proof with respect to the motion to disqualify. Either an adverse ruling or the fact that a Hearing Officer or other ~~Committee~~ member of the Claims Committee is an ~~a--full--time~~ employee of the System or has a contract with the System, standing alone, shall not constitute bias or conflict of interest. [5 ILCS 100/10-30] The Executive Director may not be called as a witness unless it is demonstrated that the Executive Director has relevant noncumulative personal

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knowledge of facts bearing upon the claim. The Executive Director may not be disqualified as a member of the Claims Committee on the basis that the Executive Director is responsible for the overall administration of the System. In the event that a Hearing Officer or other ~~any~~ member of the Claims Committee is disqualified or is otherwise unable to serve ~~on--the--Committee~~, the Board President may appoint another person to the Claims Committee and shall appoint another person if the Claims Committee is reduced to fewer than two members, or the Claims Committee shall appoint another Hearing Officer from among its members, as the case may be ~~at--the--discretion--of--the--Presiding--Officer--either--the hearing may proceed so long as at least two members of the--Claims--Committee--are--able--to--serve--or--the President--of--the--Board--of--Trustees--shall--designate--a temporary--replacement~~.

- ii) Ex Parte Communications Prohibited. Except in the disposition of matters that the System is authorized by law to entertain or dispose of on an ex parte basis, the ~~Executive--Director--and~~ members of the Claims Committee shall not, after receiving notice of a Hearing in a contested matter, communicate, directly or indirectly, in connection with any issue of fact, with any party, or in connection with any other issue with any party, or the representative of any party, except upon notice and opportunity for all parties to participate. However, an employee of the System may communicate with other employees of the System and an employee of the System or member of the Claims Committee may have the aid and advice of one or more assistants. An ex parte communication received by the ~~Executive--Director--or~~ any member of the Claims Committee ~~member~~ shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. [5 ILCS 100/10-60]

~~E)++~~ Recommendations and Decisions.

- i) Claims Committee Recommendation. Upon conclusion of all evidence and arguments, the Claims Committee shall

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privately deliberate and make a recommendation as to the disposition of the claim based on the evidence of record. The record of proceedings shall be completed upon conclusion of the hearing by the Hearing Officer, unless the Hearing Officer determines to re-open the proceedings. The Claims Committee shall make one of the following recommendations: affirmance of the administrative action, reversal of the administrative action, or remand **remandment** of the case to the administrative staff for further consideration. The recommendation of the Claims Committee shall be made to the Executive Committee of the Board of Trustees. The claimant may file a statement of exceptions to the findings of the Claims Committee and may file a brief in support of its statement of exceptions. The statement of exceptions and brief must be submitted to the General Counsel not less than 30 days prior to the date that the Executive Committee is scheduled to hear this claim, as set forth in written notice to the claimant. The notice shall be given not less than 60 days prior to the meeting of the Executive Committee. The System may file a reply brief not less than 7 days prior to the date that the Executive Committee is scheduled to hear this claim. The recommended decision of the Claims Committee is a non-final decision, subject to the ultimate decision of the Executive Committee of the Board of Trustees. Executive Committee Decision. The Executive Committee of the Board of Trustees shall make a decision on the claim following receipt of a recommended decision from the Claims Committee, any statement of exceptions or brief filed by the claimant, and any reply brief filed by the System. No oral argument shall be permitted before the Executive Committee unless otherwise determined by the Executive Committee. ~~The record of proceedings shall be completed upon conclusion of the hearing of the Claims Committee. No additional arguments or evidence may be presented to the Executive Committee by the petitioner or by the administrative staff of the System.~~ The Executive Committee shall consider the recommendation of the Claims Committee, any statement of exceptions or brief filed by the claimant, any reply brief of the System, and any permitted oral argument in making a decision for the System as to the disposition of the claim. The Executive Committee shall render one of the following decisions with respect to the claim: affirmance of the administrative action,

ii)

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reversal of the administrative action, or remand **remandment** of the case to the administrative staff for further consideration. Remand **Remandment** of the case to the administrative staff shall not be considered a final decision of the Executive Committee. A decision by the Executive Committee either reversing or affirming the decision of the administrative staff shall constitute a final decision for the purpose of review under the Administrative Review Law [4735 ILCS 5/Art. III].

A final decision of the Executive Committee shall be in writing or stated in the record. A final decision of the Executive Committee shall include findings of fact and conclusions of law, separately stated. The Executive Committee may adopt as its own the findings of fact and conclusions of law of the Claims Committee. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. All decisions of the Executive Committee shall specify whether they are final and subject to the Administrative Review Law. Parties or their agents shall be notified either personally or by registered or certified mail of any decision of the Executive Committee. Upon request, a copy of the decision shall be delivered or mailed to each party and to his or her attorney of record. [5 ILCS 100/10-50]

(Source: Amended at 23 Ill. Reg. 13667, effective NOV. 1, 1994.)

Section 1600.120 Twenty Percent Limitation on Final Rate of Earnings Increases

- a) Introduction. Public Act 90-65 added to Section 15-112 of the Illinois Pension Code a limitation on increases in earnings for the period of time covered under the calculation of final rate of earnings. This Section is promulgated to provide guidance and interpretation to the staff of the State Universities Retirement System in implementing P.A. 90-65.
- b) All annual increases in earnings, as defined at Section 15-111 of the Illinois Pension Code, by an employee during the period used in determining the final rate of earnings of 20% or less shall be deemed to be includable in the calculation of the final rate of earnings. No further inquiry shall be necessary by the staff of the System.
- c) In the event that there is an annual increase in earnings by an employee during the period used in determining the final rate of earnings of greater than 20%, such increase in excess of 20% shall be

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disregarded in calculating the final rate of earnings.

d) Regardless of subsection (c), the following shall not be subject to the 20% increase limitation:

- 1) a change in the percentage of time worked by the employee (except that time worked in excess of 100% per employer shall be subject to the limitation);
- 2) a change from a nine-month position to a twelve-month position;
- 3) overloads or extensions, so long as the overload for which payment is received took place during the period used for calculating the final rate of earnings; and
- 4) supplemental contracts, so long as verifiable additional work is performed pursuant to the supplemental contract, such as the teaching of a course additional to the customary load or performance of duties additional to, and not in replacement of, the employee's regular duties.

(Source: Added at 23 Ill. Reg. 13667, effective NOV 1 1999)

Section 1600.130 Procurement

a) Introduction. It is the policy of the State Universities Retirement System to obtain goods and services in the most economical manner in order to guarantee the efficient utilization of System resources. Resources of the System shall be committed only with proper approval, as detailed in this Section.

b) Purchase Orders. Employees requesting goods or services that cost more than \$500 and that are not part of a formal written contract shall complete a SURS purchase order form and receive written approval from the person designated by the Executive Director as the Procurement Officer prior to placing the order. Purchases of less than \$500 do not require a purchase order, but must be within the authority of the employee to purchase.

c) Contract Policy. It is the policy of the State Universities Retirement System to standardize the form and content of its contracts with public and private bodies in order to ensure compliance with applicable State law, to ensure fairness to all parties, and to maximize uniformity of language.

- 1) Standard Addendum. In order to simplify the contracting process, SURS has developed a standard contract addendum that includes certifications considered advisable or required by State law. The standard addendum shall be completed and attached to (or incorporated within) all contracts and purchase orders entered into by the System, but shall not be required for purchase orders of \$10,000 or less. Any variation from the terms of the standard addendum shall be approved by the System's General Counsel. The standard addendum may be revised by the General Counsel from time to time.

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2) Written Contracts. All expenditures in excess of \$10,000, which are not otherwise covered by any exemption stated in this Section, shall require a written contract reviewed and approved by legal counsel to SURS. Contracts in any amount shall be executed by the Executive Director or his or her designee, unless executed by the President of the Board of Trustees. Contracts in excess of \$250,000 require the signatures of the Executive Director, the Deputy Director of Finance and the General Counsel. Notwithstanding the foregoing, all contracts with persons who are fiduciaries with respect to any investments of the System shall also be signed by the President of the Board, or his or her designee. No goods or services may be acquired, nor work commenced (unless the vendor specifically assumes the risk of non-payment in the event no contract is entered into), prior to the execution of a contract as provided in this Section. A copy of each contract shall be retained by the Deputy Director of Finance.

d) Documentation and Bidding - Expenditures in Excess of \$25,000

- 1) Employees shall seek to obtain the best value for the System. Efforts to obtain the best value for the System shall be documented where possible and retained by the System. Expenditures in excess of \$25,000 require bids from at least three different sources, unless otherwise provided in this Section. Sole source procurements, or other procurements with fewer than three bids, for expenditures in excess of \$25,000 shall be justified and documented. If two or more identical bids are received, if an attempt to bribe an employee is made, or other irregularities are discovered by a SURS employee, the General Counsel and the Internal Auditor shall be notified.

2) All procurements in excess of \$25,000, unless otherwise provided in this Section, shall be advertised in the official State newspaper, in the Illinois Procurement Bulletin, in SURS procurement bulletins, in appropriate media, or through electronic means such as the Internet. Such notice shall be published on at least 3 separate dates with a minimum of 14 days between the first and the last publication date.

- 3) All procurements for goods and services in excess of \$25,000, unless otherwise provided in this Section, shall be awarded by competitive proposals. Each request for proposal shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating proposals. Awards made pursuant to such competitive selection procedures shall be awarded to the responsible offeror whose proposal is determined to be most advantageous to SURS. SURS may directly negotiate with any offeror as to the terms of a proposal. Competitive proposals may be used to procure, but are not limited to, professional and artistic services, including legal, medical and related services, investment management and

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consulting, electronic data processing equipment, software and services, and telecommunications equipment, software and services.

- 4) The following procurements do not require advertising or the use of competitive proposals:

- A) Individual contracts for goods, services or construction not exceeding \$25,000;
- B) Emergency procurements, such as when there exists a threat to public health or safety, or when immediate expenditure is necessary in order to protect against loss of or damage to SURS property or interests, or to prevent or minimize disruption in SURS services, or when necessary to prepare for anticipated litigation, enforcement actions, or investigations, or to protect the integrity or confidentiality of SURS records; provided that a written determination is made that an emergency exists; and
- C) Utilities and other sole-source items.

e) Purchasing

- 1) Employees are allowed to make purchases provided that the goods or services are budgeted for, and a purchase order (for purchases in excess of \$500) is completed and has written approval in advance of placing the order, or a formal contract (for purchases in excess of \$10,000) is executed, and the provisions of this Section are complied with. Employees other than those designated by the Executive Director are not allowed to make purchases of office supplies, computer equipment, or software.
- 2) SURS shall not pay Illinois sales tax. Employees must direct the vendor to exclude any such charge on invoices. Employees should also ask if discounted State rates are available for purchases.
- 3) Invoices should be approved for payment within 30 days after the receipt of the invoice. Approval should not be given for goods and services that do not conform to SURS' requirements. The vendor shall be promptly notified in writing if SURS does not approve an invoice for payment and advised of the reason for the denial. If approval is made after 30 days, a full explanation should be attached to the invoice.
- 4) Advance payment for goods and services is discouraged. If advance payment is required, the employee shall complete a certification as specified in Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. In the event that a voucher is submitted for advance payment, the voucher shall state on its face that the goods or services are being procured pursuant to a formal written contract the terms of which require advance payment. If it is not possible to execute a written contract, the voucher shall so state. The certification is not required for payment of conference fees, purchase of travel tickets, purchase of periodicals, and required deposits of less than \$500. The certification shall be in the following format:

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"I certify that the goods or services specified on this contract or purchase order were for the use of this agency and that the expenditure for such goods or services was authorized and lawfully incurred; that such goods or services meet all the required standards set forth in the purchase order or contract to which this certification relates; and that the amount shown on this voucher is correct and is approved for payment."

Insert following sentence in certification if applicable:

"It is not possible to execute a formal written contract."

(Date) _____ (Signature) _____

(Source: Added at 23 Ill. Reg. 13667, effective 1/1/99)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Job Training and Economic Development Demonstration Grant Program
- 2) Code Citation: 56 Ill. Adm. Code 2660

- 3) The Notice of Emergency Amendments being corrected appear at 23 Ill. Reg. 12729, dated October 15, 1999.

- 4) The information being corrected is as follows:

5) Reason for Emergency: ~~Public Law 90-758 amends the Job Training and Economic Development Demonstration Grant Program by providing funding from two sources, one million dollars from BECA General Revenue Fund and one million dollars from BHS GANP funding. A recent amendment to Public Law 90-758 amends the Civil Administrative Code of Illinois by changing Section 46.191 permitting permitting negotiations of second year funding with grantees running successful programs rather than requiring another RFP process. Consistent with that amendment, it is the intentions of DCA and DHS to negotiate continuation funding for a second year with successful grantees selected through the original competitive process. FY 2000 grant funds must be expended obligated by June 30, 2000 and performance is measured in part on 90/150-day job retention. In the absence of this emergency amendment, FY 2000 funds may not, therefore, be fully utilized in accordance with the intent of the legislation.~~

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

NOVEMBER 16, 1999

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules

700 Stratton Office Building

Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSCentral Management Services

1. Repeal of Forms Management (44 Ill Adm Code 4200)
 - First Notice Published: 23 Ill Reg 9585 - 8/20/99
 - Expiration of Second Notice: 12/1/99

Community College Board

2. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
 - First Notice Published: 23 Ill Reg 13 - 1/4/99
 - Expiration of Second Notice: 12/12/99

Division of Specialized Care for Children

3. Program Content and Guidelines for Division of Specialized Care for Children (89 Ill Adm Code 1200)
 - First Notice Published: 23 Ill Reg 5486 - 5/7/99
 - Expiration of Second Notice: 11/19/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Gaming Board

4. Riverboat Gambling (86 Ill Adm Code 3000)
-First Notice Published: 23 Ill Reg 7823 - 7/16/99
-Expiration of Second Notice: 12/12/99

Human Services

5. Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs (89 Ill Adm Code 530)
-First Notice Published: 23 Ill Reg 9598 - 8/20/99
-Expiration of Second Notice: 11/27/99

6. Eligibility (89 Ill Adm Code 682)
-First Notice Published: 23 Ill Reg 9623 - 8/20/99
-Expiration of Second Notice: 11/27/99

Insurance

7. Accelerated Life Benefit/Terminal Illness/Qualified Conditions (50 Ill Adm Code 1407)
-First Notice Published: 23 Ill Reg 4156 - 4/9/99
-Expiration of Second Notice: 12/3/99
8. Valuation of Life Insurance Policies Including the Use of Select Mortality Factors (50 Ill Adm Code 1409)
-First Notice Published: 23 Ill Reg 8888 - 8/13/99
-Expiration of Second Notice: 12/12/99

9. Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill Adm Code 2008)
-First Notice Published: 23 Ill Reg 6731 - 6/4/99
-Expiration of Second Notice: 11/20/99

10. Repeal of Fees for Examination (50 Ill Adm Code 2501)
-First Notice Published: 23 Ill Reg 8583 - 7/30/99
-Expiration of Second Notice: 12/12/99

Nuclear Safety

11. General Provisions (32 Ill Adm Code 310)
-First Notice Published: 23 Ill Reg 9627 - 8/20/99
-Expiration of Second Notice: 12/8/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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12. Registration of Radioactive Material, Radiation Machines, and Radiation Installations (32 Ill Adm Code 320)
-First Notice Published: 23 Ill Reg 9677 - 8/20/99
-Expiration of Second Notice: 12/8/99
13. Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill Adm Code 360)
-First Notice Published: 23 Ill Reg 9689 - 8/20/99
-Expiration of Second Notice: 12/8/99

14. Notices, Instructions and Reports to Workers; Inspections (32 Ill Adm Code 400)
-First notice Published: 23 Ill Reg 9653 - 8/20/99
-Expiration of Second Notice: 12/8/99

15. Radiation Inspectors and Inspections (32 Ill Adm Code 410)
-First Notice Published: 23 Ill Reg 9662 - 8/20/99
-Expiration of Second Notice: 12/8/99

Professional Regulation

16. Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)
-First Notice Published: 23 Ill Reg 10103 - 8/27/99
-Expiration of Second Notice: 11/18/99

Public Aid

17. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 23 Ill Reg 128 - 1/4/99
-Expiration of Second Notice: 12/10/99

18. Child Support Enforcement (89 Ill Adm Code 160)
-First Notice Published: 22 Ill Reg 20755 - 12/4/98
-Expiration of Second Notice: 12/3/99

Revenue

19. Property Tax Code (86 Ill Adm Code 110)
-First Notice Published: 23 Ill Reg 8639 - 7/30/99
-Expiration of Second Notice: 11/27/99
20. Property Tax Code (86 Ill Adm Code 110)
-First Notice Published: 23 Ill Reg 9752 - 8/20/99

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21. Cigarette Tax Act (86 Ill Adm Code 440)
-First Notice Published: 23 Ill Reg 8958 - 8/13/99
-Expiration of Second Notice: 12/11/99
22. Cigarette Use Tax Act (86 Ill Adm Code 450)
-First Notice Published: 23 Ill Reg 8960 - 8/13/99
-Expiration of Second Notice: 12/11/99

EMERGENCY AND PEREMPTORY RULEMAKINGSCapital Development Board

23. Standards for Award of Grants: School Construction Program (71 Ill Adm Code 40) (Emergency)
-Notice Published: 23 Ill Reg 11320 - 9/10/99

Central Management Services

24. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 23 Ill Reg 12493 - 10/8/99
25. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 23 Ill Reg 13132 - 10/22/99

Commerce and Community Affairs

26. Job Training and Economic Development Demonstration Grant Program (56 Ill Adm Code 2660) (Emergency)
-Notice Published: 23 Ill Reg 12729 - 10/15/99

Education

27. School Construction Program (23 Ill Adm Code 151) (Emergency)
-Notice Published: 23 Ill Reg 11336 - 9/10/99

Higher Education

28. Graduation Incentive Grants (23 Ill Adm Code 1002) (Emergency)
-Notice Published: 23 Ill Reg 13248 - 10/29/99

Human Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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29. Food Stamps (89 Ill Adm Code 121) (Emergency)
-Notice Published: 23 Ill Reg 13253 - 10/29/99

Insurance

30. Managed Care Reform and Patient Rights (50 Ill Adm Code 5420) (Emergency)
-Notice Published: 23 Ill Reg 12466 - 10/8/99

Natural Resources

31. Administrative and Judicial Review (62 Ill Adm Code 1847) (Emergency)
-Notice Published: 23 Ill Reg 12484 - 10/8/99

32. Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations (62 Ill Adm Code 1800) (Emergency)
-Notice Published: 23 Ill Reg 12490 - 10/8/99

Public Aid

33. Practice in Administrative Hearings (89 Ill Adm Code 104) (Emergency)
-Notice Published: 23 Ill Reg 11734 - 9/17/99

34. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 23 Ill Reg 12772 - 10/15/99

35. Long Term Care Reimbursement Changes (89 Ill Adm Code 153) (Emergency)
-Notice Published: 23 Ill Reg 12794 - 10/15/99

36. Child Support Enforcement (89 Ill Adm Code 160) (Emergency)
-Notice Published: 23 Ill Reg 12737 - 10/15/99

37. Child Support Enforcement (89 Ill Adm Code 160) (Emergency)
-Notice Published: 23 Ill Reg 11715 - 9/17/99

AGENCY RESPONSESHuman Services

38. Minimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119; 23 Ill Reg 4355)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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39. Medicaid Community Mental Health Services Program (59 Ill Adm Code 132;
23 Ill Reg 4353)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 26, 1999 through November 1, 1999 and have been scheduled for review by the Committee at its November 16, 1999 meeting in Springfield or December 14, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
12/10/99	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	1/4/99 23 Ill Reg 128	11/16/99
12/11/99	Department of Revenue, Cigarette Tax Act (86 Ill Adm Code 440)	8/13/99 23 Ill Reg 8958	11/16/99
12/11/99	Department of Revenue, Cigarette Use Tax Act (86 Ill Adm Code 450)	8/13/99 23 Ill Reg 8960	11/16/99
12/12/99	Department of Insurance, Repeal of Fees for Examination (50 Ill Adm Code 2501)	7/30/99 23 Ill Reg 8583	11/16/99
12/12/99	Illinois Gaming Board, Riverboat Gambling (86 Ill Adm Code 3000)	7/16/99 23 Ill Reg 7823	11/16/99
12/12/99	Department of Insurance, Valuation of Life Insurance Policies Including the Use of Select Mortality Factors (50 Ill Adm Code 1409)	8/13/99 23 Ill Reg 8888	11/16/99
12/12/99	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	1/4/99 23 Ill Reg 13	11/16/99
12/15/99	Department of Employment Security, Determination of Unemployment Contributions (56 Ill Adm Code 2770)	9/17/99 23 Ill Reg 11400	12/14/99

PROCLAMATIONS

99-402

PHARMACY WEEK (REVISED)

WHEREAS, pharmacy is one of the oldest of the health professions concerned with the health and well-being of all people; and
 WHEREAS, today, there are over 195,000 pharmacists practicing in the United States providing services to assure the rational and safe use of all medications; and

WHEREAS, the use of medication, as a cost-effective alternative to more expensive medical procedures, is becoming a major force in moderating overall health care costs; and

WHEREAS, today's powerful medications require greater attention to the manner in which they are used by different patients population groups -- both clinically and demographically; and

WHEREAS, it is important that all users of prescription and nonprescription medications, or their caregivers, be knowledgeable about and share responsibility for their own drug therapy; and

WHEREAS, the American Pharmaceutical Association and the Joint Commission of Pharmacy Practitioners have declared the final and complete week of October as National Pharmacy Week with the theme "Educate Before You Medicate -- Talk With Your Pharmacist";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 24-30, 1999, as PHARMACY WEEK in Illinois.

Issued by the Governor September 16, 1999.

Filed by the Secretary of State October 25, 1999.

99-436

EAST ST. LOUIS CHAPTER OF THE NAACP DAY

WHEREAS, the East St. Louis chapter of the NAACP was founded in 1914 and is one of the oldest chapters of the NAACP in the nation; and

WHEREAS, East St. Louis has been extremely successful in improving race relations and working for the advancement of African-Americans in the East St. Louis community; and

WHEREAS, today, the East St. Louis chapter of the NAACP has more than 6,000 participants and represents all of St. Clair County and the entire Metro-East area; and

WHEREAS, Rev. Johnny Scott, the president of the NAACP East St. Louis chapter, has worked diligently to achieve the goal of keeping individuals free from intimidation and is dedicated to the improvements of race relations; and

WHEREAS, Reverend Scott had made inroads with the public and private sectors to help improve the workforce and the infrastructure of the East St. Louis community; and

WHEREAS, Linda Renee Baker, Director of the Illinois Department of Employment Security, and Timothy Rand, Co-owner of the Casino Queen River Boat, serve as Banquet Chair and Co-Chair respectively; and

WHEREAS, the Bishop Wilton Gregory, Archdiocese of Belleville, will be the guest speaker; and

WHEREAS, the various Committees and Committee Chairs have worked diligently together in the spirit of cooperation to bring together the last

freedom fund dinner of this millennium; and

WHEREAS, the East St. Louis branch of the NAACP is sponsoring its 45th Annual Freedom Fund Life Membership Banquet at the Regal Riverfront Hotel in St. Louis on Sunday, October 3, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 3, 1999, as EAST ST. LOUIS CHAPTER OF THE NAACP DAY in Illinois.

Issued by the Governor September 30, 1999.

Filed by the Secretary of State October 19, 1999.

99-437

MOTHERS OF MULTIPLES WEEK

WHEREAS, the Illinois Organization of Mothers of Twins Clubs, Inc. (IOMOTC) was founded in 1962 as a not-for-profit, educational, public service organization for mothers of twins and higher order multiple birth children; and

WHEREAS, IOMOTC is proud of its involvement at the local, state and national levels for the continued benefit of its members; and

WHEREAS, IOMOTC provides the latest information on the rearing and development of multiples; and

WHEREAS, IOMOTC continues contact with doctors, researchers, social service agencies and educators; and

WHEREAS, IOMOTC maintains a data bank of information on the family history, pregnancy and delivery and special medical experiences of members and their multiples; and

WHEREAS, IOMOTC gives women from all over the State of Illinois the opportunity to share in the special and unique bond of being a mother of multiples; and

WHEREAS, in October, IOMOTC will host its annual, three-day convention at the Radisson Hotel in Alsip, serving the Chicago suburbs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15-17, 1999, as MOTHERS OF MULTIPLES WEEK in Illinois.

Issued by the Governor September 30, 1999.

Filed by the Secretary of State October 19, 1999.

99-438

SINGLE PARENTS DAY

WHEREAS, being a working single parent is a contradicting, yet rewarding task for the parents and child or children involved; and

WHEREAS, single men and women have to work a full shift at their place of employment, then prepare themselves for the next shift of work at home as single parents; and

WHEREAS, single parents have to go through the endless struggle of trying to be both mother and father to their child or children; and

WHEREAS, Single Parents Day activities will be held on September 23 at United Brethren Church in Rockford, with fun events for children and parents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 3, 1999, as SINGLE PARENTS DAY in Illinois.

Issued by the Governor September 30, 1999.

Filed by the Secretary of State October 19, 1999.

99-439

YOUNG READER'S DAY

WHEREAS, the Library of Congress designated 1989 as "The Year for Young Readers" to remind Americans of the joys and importance of books for children and young adults; and

WHEREAS, today families, parents and concerned individuals, as well as schools, libraries, businesses, civic groups, and communities across America are joining in to support reading activities; and

WHEREAS Pizza Hut, Inc., sponsor of the BOOK IT! National Reading Incentive Program, joined with the Center for the Book in the Library of Congress 10 years ago to create National Young Reader's Day during which schools and communities across the nation celebrate reading with library projects, book drives, storytelling, reading rallies, principal challenges and young reader recognition; and

WHEREAS, in Illinois today, there are 42,903 elementary school classrooms with 1,072,575 children participating in the BOOK IT! National Reading Incentive Program; and

WHEREAS, schools, libraries, civic groups and communities across America are invited to join in "Building a Nation of Readers" into the millennium;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10, 1999, as YOUNG READER'S DAY in Illinois.

Issued by the Governor September 30, 1999.

Filed by the Secretary of State October 19, 1999.

99-440

ILLINOIS RIVER SYSTEM MANAGEMENT MONTH

WHEREAS, the Illinois River System is an integral part of our state's geography, history, economy and ecology; and

WHEREAS, our state should embrace an integrated approach to large river management and work according to a coordinated, efficient and continuous management for our river; and

WHEREAS, the implementation of the Illinois River Partnership and Coordinating Council, the Conservation Reserve Enhancement Program, and Conservation 2000 are important milestones in efforts to protect the resources of the Illinois River; and

WHEREAS, the 1999 Conference on the Management of the Illinois River System is October 5-7 at the Holiday Inn City Center in Peoria; and

WHEREAS, the theme of the Conference is "The Illinois River: Responsible Management for the New Millennium"; and

WHEREAS, citizens may take this day to recognize the economic, recreational, social and environmental benefits of conserving to properly utilize the resources of the Illinois River Basin;

Therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as ILLINOIS RIVER SYSTEM MANAGEMENT MONTH.

Issued by the Governor October 1, 1999.

Filed by the Secretary of State October 19, 1999.

99-441

ORDER OF THE EASTERN STAR DAY

WHEREAS, the first session of the Grand Chapter of the Order of the

Eastern Star of Illinois was convened on October 6, 1875; and

WHEREAS, from its original membership of 22 chapters and 32 members, the Grand Chapter of the Order of the Eastern Star of Illinois has grown and prospered, to now include 286 constituent chapters and more than 38,000 members; and

WHEREAS, among the purposes for which the members of the Order of the Eastern Star of Illinois are associated are to protect the widow and the orphan, to comfort the afflicted, to sympathize with the sorrowing, and to relieve the destitute and distressed; and

WHEREAS, the members of the Order of the Eastern Star of Illinois each year raise hundreds of thousands of dollars to support local, national and international charitable programs, scholarships for deserving young women and men, youth development programs and positive community activities to support families, senior citizens, and those suffering from natural disasters; and

WHEREAS, through their dedicated support of the Eastern Star Home in Macon, members of the Order of the Eastern Star provide loving care for their sisters in their golden years; and

WHEREAS, members of the Order of the Eastern Star of Illinois enjoy many fraternal, social and community service activities with Sisters and Brothers of the Order from across the state; and

WHEREAS, the Grand Chapter of the Order of the Eastern Star of Illinois will convene its 125th Annual Session - Friends Forever - in Springfield on October 5th and 6th, 1999; and

WHEREAS, under the capable leadership of Worthy Grand Matron Sister Cindy Wood and Worthy Grand Patron Brother Gene Goodman, the Grand Chapter of Illinois has accomplished great things for its members and for the People of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Wednesday, October 6, 1999, as ORDER OF THE EASTERN STAR DAY in Illinois in recognition of the 125th annual session of the Grand Chapter, and I join the citizens of Illinois in offering congratulations to the members of the Order for their many great achievements, and in recognition of this important milestone.

Issued by the Governor October 1, 1999.

Filed by the Secretary of State October 19, 1999.

99-442

AITP WEEK

WHEREAS, founded in 1951, the Association of Information Technology Professionals (AITP) is one of the oldest and largest associations representing information systems professionals across the United States; and

WHEREAS, AITP includes more than 7,000 professional members and 5,861 student members who serve in technical leadership positions in business, industry, and government organizations; and

WHEREAS, AITP is recognized by Information Technology Professionals for providing industry leadership and opportunities for professional development and personal growth; and

WHEREAS, the AITP is dedicated to representing the best interest of the information technology industry to government, higher education and the business community; and

WHEREAS, the members of the AITP are meeting in Chicago, Illinois, during

October 14-16, 1999, for their national conference which is focused on the theme "Bringing Industry and Education Together - Closing the IS Gap"; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 11-16, 1999, as AITP WEEK in Illinois.

Issued by the Governor October 4, 1999.
Filed by the Secretary of State October 19, 1999.

99-443

HAROLD A. "PETE" VONACHEN DAY

WHEREAS, Harold A. "Pete" Vonachen was born in Peoria on August 31, 1925, the son of Dr. and Mrs. Harold A. Vonachen; and
WHEREAS, he graduated from St. Bernard's Grade School and Spalding Institute; he participated in the V-12 Program at the University of Notre Dame and received his bachelor's degree in business administration and physical education from Bradley University in 1949; and
WHEREAS, he married Donna Hurst on May 12, 1957, and to this union were born Mary Michelle, Harold A. III, Gregory, Daniel, and Mark; and
WHEREAS, Pete Vonachen has committed his life to helping others through his caring ways and his desire to be involved in his community; and
WHEREAS, he has unselfishly given himself to helping organizations throughout the Peoria area and the State of Illinois, to the benefit of the residents; and

WHEREAS, Pete Vonachen has a long and distinguished affiliation with various organizations including his tireless work with the Peoria Chiefs Professional Baseball team and has been recognized by many others; and
WHEREAS, Pete Vonachen received the United Cerebral Palsy Association Meritorious Service to Community Award in 1990, the "Others Award" for Outstanding Service to the Salvation Army in 1991, and the National Society of Fund Raising Executives Philanthropy Award in 1992, and was inducted into the Bradley University Athletic Hall of Fame in 1994; and

WHEREAS, Pete Vonachen stands out in society as a leader because of his team approach to community service; and

WHEREAS, the 1999 Tribute Dinner hosted by the Easter Seals-UCP will honor Harold A. "Pete" Vonachen, Jr. Chairman of the Board of the Peoria Chiefs, on October 29, 1999 at the Hotel Pere Marquette in Peoria; and

WHEREAS, Pete Vonachen has earned the respect and admiration of all; he is indeed worthy of this honor;

WHEREAS, Sen. George Shadid takes great pleasure in serving as State Senator representing Mr. Vonachen;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 1999, as HAROLD A. "PETE" VONACHEN DAY in Illinois.

Issued by the Governor October 4, 1999.
Filed by the Secretary of State October 19, 1999.

99-444

SAINTS PETER AND PAUL UKRAINIAN ORTHODOX CHURCH DAY

WHEREAS, the history of Saints Peter and Paul Ukrainian Orthodox Church, formerly at Chicago (Burnside), now of Palos Park, Illinois, is the story of many men and women whom throughout the years have devoted both time and effort to maintain the religious traditions of the Holy Church and Ukrainian cultural

heritage; and

WHEREAS, these young energetic immigrants felt the need to organize a church in which they could freely continue to worship God according to the teachings of the Holy Church, and at the same time, maintain their cultural heritage; and

WHEREAS, in the years since 1909, the ethnic tradition of the church remained stable although lifestyles changed and many non-Ukrainians were welcomed into its membership; and

WHEREAS, the consecration of the new church marks the beginning of a new era in the 90-year history of the parish, an era that would not have been possible without the dedication of its pastors, founders, church organizations, parishioners and friends; and

WHEREAS, on Sunday, October 17, 1999, the Saints Peter and Paul Ukrainian Orthodox Church will be celebrating its 90th Anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17, 1999, as SAINTS PETER AND PAUL UKRAINIAN ORTHODOX CHURCH DAY in Illinois.

Issued by the Governor October 4, 1999.

Filed by the Secretary of State October 19, 1999.

99-445

ADULT IMMUNIZATION AWARENESS WEEK

WHEREAS, each year in the United States, as many as 50,000 to 70,000 adults die needlessly from vaccine-preventable diseases or their complications; and

WHEREAS, influenza and pneumococcal pneumonia together are the fifth leading cause of death among American adults, especially those who are 65 years of age and older; and

WHEREAS, only about 68 percent of Illinoisans 65 years of age and older are vaccinated annually against influenza and only about 45 percent have been vaccinated against pneumococcal pneumonia; and

WHEREAS, fewer than half of Americans over 50 years of age are protected against tetanus and diphtheria; and

WHEREAS, too few adults are immunized against these diseases, as well as other highly infectious diseases, including hepatitis B, measles, mumps and rubella; and

WHEREAS, many adults could be spared hospitalization or death this year by simply being immunized with vaccines that have been proven to be safe, effective and covered by Medicare; and

WHEREAS, today in the United States nearly 100 times as many adults as children needlessly die each year from vaccine-preventable diseases; and

WHEREAS, all citizens should obtain needed immunizations and keep a record of their personal immunization status;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10-16, 1999, as ADULT IMMUNIZATION AWARENESS WEEK in Illinois.

Issued by the Governor October 5, 1999.

Filed by the Secretary of State October 19, 1999.

99-446

COOPERATIVE MONTH

WHEREAS, cooperative businesses are created through the self-reliance of Americans who come together to meet their common economic, social and cultural aspirations through a jointly-owned and democratically-controlled enterprise; and

WHEREAS, Americans from every walk of life and economic condition can participate in our free enterprise system through the cooperative businesses; and

WHEREAS, by encouraging people to achieve together what they could not achieve alone, cooperative businesses empower people and enrich our communities; and

WHEREAS, in the spirit of cooperation and economic liberty, cooperative businesses provide goods and services, create employment opportunities, and contribute vitality to every sector of our economy; and

WHEREAS, cooperatives are recognized as a different form a business because of the principles that define their unique structure and their direct accountability to their member-owners; and

WHEREAS, cooperative businesses improve the lives of over 100 million Americans and generate more than \$100 billion in annual economic activity through more than 48,000 cooperative private businesses; and

WHEREAS, during the month of October, people from every type of cooperative celebrate their achievements and reaffirm their commitment to the values that serve as the foundation of cooperative enterprise;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as COOPERATIVE MONTH in Illinois.

Issued by the Governor October 5, 1999.

Filed by the Secretary of State October 19, 1999.

99-447

RETIRED TEACHERS' DAY

WHEREAS, the Illinois Retired Teachers Association, a non-profit, non-partisan organization for retired educators, celebrates its biennial convention in Springfield on October 11 and 12, 1999; and

WHEREAS, the Illinois Retired Teachers Association serves the needs and interests of its members concerning legislative, medical, financial, and legal issues through advocacy, education, cooperation and socialization; and

WHEREAS, educators are some of the most influential, dedicated citizens in the lives of our young people;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

October 11, 1999, as RETIRED TEACHERS' DAY in Illinois.

Issued by the Governor October 5, 1999.

Filed by the Secretary of State October 19, 1999.

99-448

CHANGE THE WORLD OF A CHILD WEEK

WHEREAS, within the State of Illinois, approximately 30 percent of students suffer from learning delays. These learning delays impair students progress throughout their educational careers and further impair their abilities to become employed gainfully; and

WHEREAS, the Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has been established to alter the course of education for

the learning delayed population throughout the United States of America; and

WHEREAS, the Foundation is committed to raising funds for scholarships, research treatments for learning delays and the sponsorship of professional development opportunities for those educating the learning delayed; and

WHEREAS, the citizens, businesses and educators, both public and private, of the State of Illinois are called upon to celebrate Change the World of a Child Week in acknowledging and rewarding the efforts of learning delayed children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 24-30, 1999, as CHANGE THE WORLD OF A CHILD WEEK in Illinois.

Issued by the Governor October 6, 1999.

Filed by the Secretary of State October 19, 1999.

99-449

GFWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK

WHEREAS, the GFWC Illinois Federation of Women's Clubs Junior Organization has served the communities of Illinois for over 53 years; and

WHEREAS, the GFWC Illinois Federation of Women's Clubs Junior Organization has 2,853 members in 100 clubs spread throughout the State of Illinois; and

WHEREAS, during 1998, clubs reported 376,055 volunteer hours on 6,255 projects and programs and donated more than \$1.5 million dollars; and

WHEREAS, in the past 20 years, more than \$292,000 has been donated to the Children's Research Foundation; and

WHEREAS, during this administration the focus is on prevention of child abuse and a safe place for every child, very special arts, youth literacy, safety for older Americans and Libraries 2000; and

WHEREAS, special emphasis is on "Conservation: A Better Environment for the New Millennium"; and

WHEREAS, members are encouraged to participate in hands on conservation efforts with their children, family, and community organizations advocating for a better environment in the areas of resource conservation, recycling, water quality and beautification; and

WHEREAS, this will teach children that volunteering can be fun and educational;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10-16, 1999, as GFWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK in Illinois.

Issued by the Governor October 6, 1999.

Filed by the Secretary of State October 19, 1999.

99-450

LATEX ALLERGY AWARENESS WEEK

WHEREAS, in 1997, after receiving over 1,700 reports of latex allergy reactions, including 16 deaths, the United States Food and Drug Administration ordered that any medical device containing latex carry a warning about potential allergic reactions; and

WHEREAS, the National Institute of Occupational Safety and Health issued an alert in June 1997 requesting assistance in providing information regarding allergic reaction to natural rubber latex among workers who use gloves and other products containing latex; and

WHEREAS, the Food and Drug Administration issued final rules that went

into effect September 30, 1998, requiring labeling statements concerning the presence of natural rubber latex in medical devices; and

WHEREAS, latex gloves have been used as a tool in the health care industry by health care workers to prevent the transmission of many infectious diseases. Latex is also used in emergency, personal and office equipment and in industries such as childcare, food service and food processing; and

WHEREAS, with latex uses growing, awareness for the three common types of latex reactions -- irritant contact dermatitis, allergic contact dermatitis and latex allergy -- should also be growing; and

WHEREAS, a study from John Hopkins Medical Institution shows that 2.5 percent of health care workers are already having allergic reactions to proteins from latex gloves and another 10 percent are sensitized to the proteins. The number of health care workers and others affected will continue to increase because frequent exposure to latex causes the development of the allergy; and

WHEREAS, children with spina bifida and others who have conditions involving multiple surgical procedures are at a greater risk to an allergic reaction to latex due to the need for multiple surgeries;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4-10, 1999, as LATEX ALLERGY AWARENESS WEEK in Illinois.

Issued by the Governor October 6, 1999.

Filed by the Secretary of State October 19, 1999.

99-451

LATINOS PARTNERING IN BUSINESS FOR THE MILLENNIUM DAY

WHEREAS, in 1998, the City of Chicago's Advisory Council on Latino Affairs hosted the 5th Latino Business Opportunity Conference and the Puerto Rican Chamber of Commerce hosted the 5th Annual Hispanic Women's Business Conference; and

WHEREAS, last year's event brought together the six most prominent Latino business organizations in the City of Chicago and over 275 attendees to the Latino Business Opportunity Conference and the Hispanic Women's Business Conference served over 150 participants; and

WHEREAS, in 1999, they feel that the merging of the two organizations will expand beyond Chicago and include those prominent Latino business organizations throughout the Chicago metropolitan area; and

WHEREAS, the attendance is expected to be over 500 small to mid-sized businesses and entrepreneurs, both the public and private sector will be well represented at this year's conference; and

WHEREAS, conference workshops will include practical tips on doing business with government agencies as well as private corporations, "how to" workshops on securing financing for business growth and various technological issues including Y2K issues and office automation; and

WHEREAS, on October 26, 1999, the two conferences become one, making this a momentous event in the Latino business community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 1999, as LATINOS PARTNERING IN BUSINESS FOR THE MILLENNIUM DAY in Illinois.

Issued by the Governor October 6, 1999.

Filed by the Secretary of State October 19, 1999.

99-452

MADONNA HIGH SCHOOL DAY

WHEREAS, the Franciscan Sisters of Chicago opened Madonna High School on September 8, 1949, consisting of four rooms on the first floor of the St. Vincent Orphanage, located on Hamlin and Schubert Avenues; and

WHEREAS, from the first day of class in 1949, Madonna High School has offered a comprehensive and challenging education to young women throughout the city, designed to enrich minds, fire imaginations and, most importantly, to help young women build greater self-esteem; and

WHEREAS, the school's mission is to provide Chicago-area students with a rich, well-rounded education, one that will empower young women to face the challenges of the global marketplace; and

WHEREAS, now in its 50th year, its "Golden Year," the staff and administration of Madonna High School remain ever committed to educating young women of all races and creeds; and

WHEREAS, Madonna High School will celebrate this milestone at the anniversary gala dinner on October 8, 1999, at Porretta's Banquets;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 8, 1999, as MADONNA HIGH SCHOOL DAY in Illinois.

Issued by the Governor October 6, 1999.

Filed by the Secretary of State October 19, 1999.

99-453

SPECIAL AGENT JOE GUYTON DAY

WHEREAS, after 35 years of honorable service with the state, Correctional Parole Agent III Joe Guyton retired August 31, 1999; and

WHEREAS, Guyton started with the Department of Mental Health in 1964 at East Moline Mental Health Hospital as an Occupational Therapist. He later served as a Mental Health Specialist at Chicago Reed Mental Health Hospital and in 1970 was promoted to Mental Health Supervisor at Tinley Park Mental Health Hospital; and

WHEREAS, Guyton joined Illinois Department of Corrections in 1979 as a Juvenile Parole Agent. In 1980, he transferred to the adult division as a Correctional Parole Agent I; and

WHEREAS, Guyton was promoted to a Correctional Parole Agent II and worked in the special intensive supervision unit and the community service placement division. In 1998, Joe was promoted to a Correctional Parole Agent III at West Grand Service Center where he served until his retirement; and

WHEREAS, Agent Guyton is the proud father of Tanya Guyton-Simmons and grandfather of four grandchildren; Gwendolyn, Joy, Justin and Kayla. Agent Guyton is also a long-standing member of New Covenant Baptist Church; and

WHEREAS, on this date of October 10, 1999, we celebrate the works of Joe Guyton as he looks forward to a happy retirement;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10, 1999, as SPECIAL AGENT JOE GUYTON DAY in Illinois.

Issued by the Governor October 6, 1999.

Filed by the Secretary of State October 19, 1999.

99-454

EARTH SCIENCE WEEK

and WHEREAS, geology and the other earth sciences are fundamental to society;

WHEREAS, the earth sciences are integral to finding, developing, and conserving mineral, energy, and water resources needed for society; and WHEREAS, the earth sciences provide the basis for preparing for and mitigating natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and

WHEREAS, the earth sciences are crucial to environmental and ecological issues ranging from water and air quality to waste disposal; and WHEREAS, geological factors of resources, hazards, and environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and

WHEREAS, the earth sciences contribute to our understanding of nature; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 11-17, 1999, as EARTH SCIENCE WEEK in Illinois.

Issued by the Governor October 7, 1999.

Filed by the Secretary of State October 19, 1999.

99-455

GUARDIANSHIP AWARENESS MONTH

WHEREAS, the Illinois Guardianship and Advocacy Commission's Office of State Guardian is the largest provider of adult guardianship services in the United States, serving over 6,500 Illinois citizens with disabilities; and

WHEREAS, guardianship for adults with disabilities is a vitally important means of ensuring independence, autonomy and self-reliance, and for protecting persons who may be vulnerable or in need of assistance from others; and

WHEREAS, Illinois is the only state in the United States to provide a comprehensive program of public guardianship for its citizens in need; and WHEREAS, the Illinois Guardianship and Advocacy Commission is one of the founding members of the National Guardianship Association (NGA), the only national organization dedicated to issues of adult guardianship and to advancing guardianship as a profession throughout America; and

WHEREAS, the Illinois Guardianship and Advocacy Commission is celebrating its 20th anniversary as an executive state agency dedicated to safeguarding the rights of persons with disabilities; and

WHEREAS, the NGA will hold its 12th Annual National Conference in Chicago from October 11-13, 1999, at the Holiday Inn City Center and the Illinois Guardianship Association will join all of Illinois in welcoming guardians and their families to Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as GUARDIANSHIP AWARENESS MONTH in Illinois.

Issued by the Governor October 7, 1999.

Filed by the Secretary of State October 19, 1999.

99-456

METRIC WEEK

WHEREAS, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

WHEREAS, the United States Metric Association is a nonprofit organization

dedicated to helping the American people, industry, and government adopt the international metric system as their primary means of measurement; and

WHEREAS, the United States has taken many important steps toward metrication, including requiring metric labeling on all consumer packaging; and WHEREAS, the Goals 2000 bill has passed Congress and been signed into law, which stipulates for the first time that SI metric should be taught in all science and math classes in the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10-16, 1999, as METRIC WEEK in Illinois and urge citizens to use the metric system whenever possible.

Issued by the Governor October 7, 1999.

Filed by the Secretary of State October 19, 1999.

99-457

PRINCIPALS' WEEK/PRINCIPAL APPRECIATION DAY

WHEREAS, the Principal is the recognized educational leader of a school; and

WHEREAS, the Principal communicates the vision and sets the expectation for a high level of student achievement and faculty performance; and

WHEREAS, the Principal keeps a positive climate for learning and the attainment of educational goals; and

WHEREAS, the State of Illinois recognizes and salutes the accomplishments, skills and commitment to excellence of its Principals; and

WHEREAS, the Illinois Principals Association, under the leadership of its President, Richard Spohr, will hold its annual Professional Conference in Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17-23, 1999, as PRINCIPALS' WEEK and October 22, 1999, as PRINCIPAL APPRECIATION DAY in Illinois.

Issued by the Governor October 7, 1999.

Filed by the Secretary of State October 19, 1999.

99-458

DR. RONALD D. MICHAELSON DAY

WHEREAS, Ronald Michaelson was born and raised in Park Ridge, Illinois, and is the husband of Jan Michaelson and the proud father of Julie and Ron; and

WHEREAS, he is known more properly as Dr. Ronald D. Michaelson by virtue of the master's degree in Political Science he earned from Northwestern Illinois University, and his doctorate in Government earned from Southern Illinois University in Carbondale, authoring a dissertation concerning the value of endorsing primary candidates; and

WHEREAS, Ron Michaelson began his service to the people of Illinois as an assistant to Governor Richard B. Ogilvie; and

WHEREAS, Ron Michaelson has faithfully served the people of the State of Illinois since 1976 as Executive Director of the Illinois State Board of Elections; and

WHEREAS, during his directorship, the Board of Elections has significantly advanced the cause of honest and credible elections in the State of Illinois; and

WHEREAS, as the Chief Election Officer of Illinois Mr. Michaelson has had

the responsibility of implementing federal election laws, including the National Voter Registration Act of 1993, and has assisted in the development of national standards for voting equipment now adopted by over half the states; and

WHEREAS, he was selected in 1990 as a member of the official United States delegation to observe the first free elections in the former Soviet Union; and WHEREAS, Ron actively encouraged dialogue between local election authorities across Illinois through the State Board of Elections to improve all aspects of the election administration and technology; and

WHEREAS, on October 17, 1999, at the 25th Anniversary dinner of the State Board of Elections, Dr. Ronald D. Michaelson will be recognized;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17, 1999, as DR. RONALD D. MICHAELSON DAY in Illinois.

Filed by the Governor October 8, 1999.
Filed by the Secretary of State October 19, 1999.

99-459

ILLINOIS JUDICIAL COUNCIL DAY

WHEREAS, the Illinois Judicial Council membership reflects the rich ethnic diversity of our state's judicial officers; and

WHEREAS, many African-American judges have been given the opportunity to be elected to the bench in Cook County as a result of the signing of the judicial redistricting bill; and

WHEREAS, the council takes part in many charitable and philanthropic activities to assist the less fortunate individuals of our state; and

WHEREAS, the Illinois Judicial Council provides food and toys, maintains a library, and visits residents of an "adopted" Chicago Housing Authority building; and

WHEREAS, the council has demonstrated a commitment to education by operating a special bureau for schools, cosponsoring a high school Law Day program with the Cook County Bar Association, and awarding scholarships to law students; and

WHEREAS, the Illinois Judicial Council is holding its 16th Annual Awards and Installation Banquet on October 15, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15, 1999, as ILLINOIS JUDICIAL COUNCIL DAY in Illinois.

Issued by the Governor October 8, 1999.
Filed by the Secretary of State October 19, 1999.

99-460

ETA PHI BETA DAY

WHEREAS, in 1970, Eta Phi Beta, the National Business and Professional Women's Organization, was chartered in Chicago; and

WHEREAS, Eta Phi Beta, a non-prophet organization, promotes and creates congenial fellowship among business and professional women; and

WHEREAS, Eta Phi Beta assists in obtaining for women the opportunity for the highest standards in business; and

WHEREAS, Eta Phi Beta aids high school graduates by awarding scholarships to further their education in business and professional fields; and

WHEREAS, Eta Phi Beta contributes financially to local and national

charities; and

WHEREAS, Eta Phi Beta promotes and assists programs which are designed for improving the well-being of all developmentally disabled citizens; and

WHEREAS, Eta Phi Beta serves as a networking organization that supports prevention programs in literacy, teenage pregnancy, and battered women and children; and

WHEREAS, the Alpha Lambda Chapter of Chicago Eta Phi Beta Sorority Inc. will host the 22nd Biannual Northern Region Conference from October 14-17, 1999, in Oak Brook;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15, 1999, as ETA PHI BETA DAY in Illinois.

Issued by the Governor October 12, 1999.

Filed by the Secretary of State October 19, 1999.

99-461

NORMAN BUECKER DAY

WHEREAS, Norman Ray Buecker was born on January 2, 1925, the son of Fred W. Buecker and Adda Beth Bradley Buecker; and

WHEREAS, after high school, Norman joined his father as a plumbing contractor and now heads the firm of Norman's Plumbing and Heating in Springfield, Illinois; and

WHEREAS, during World War II, Norman Buecker served in the infantry and combat engineers and reached the rank of Sergeant prior to his honorable discharge from the military; and

WHEREAS, on February 10, 1951, Norman married LaDean Spence, and they are the proud parents of two children, Bradley and Nancy Beth; and

WHEREAS, in 1949, Norman Buecker was made a member of the Ansar Shrine, and he has been a member of its Ceremonial Cast. In 1949, he was created a member of the Scottish Rite. In 1963, he was appointed to the Chapter of the Rose Croix and served as its Most Wise Master from 1973-75. He was recognized in 1965 with the Meritorious Service Award; and

WHEREAS, on September 30, 1970, the Supreme Council of the Ancient Accepted Scottish Rite for the Northern Masonic Jurisdiction conferred the rank and title of Sovereign Grand Inspector General Thirty-Third Degree and Honorary Member of the Supreme Council. They elevated him to Active Member of the Supreme Council on October 1, 1981; and

WHEREAS, Brother Buecker is the fourth member of Tyrian Lodge No. 333 to serve the Grand Lodge of Illinois as Grand Master and the sixth from the City of Springfield; and

WHEREAS, Brother Buecker was awarded the Honorary Legion of Honor by the International Supreme Council of DeMolay for his work with DeMolay youth; and WHEREAS, Norman is a member of the Philalethes and Quator Coronot Lodge of Research; and

WHEREAS, on October 16, 1999, Norman Buecker is celebrating 50 years of Scottish Rite Masonry in Springfield;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 16, 1999, as NORMAN BUECKER DAY in Illinois.

Issued by the Governor October 12, 1999.

Filed by the Secretary of State October 19, 1999.

99-462

OFF THE STREET CLUB DAY

WHEREAS, the Off the Street Club offers young people an alternative to street gangs and violence; and

WHEREAS, the Club offers educational, recreational and athletic events and a safe haven for more than 3,000 of Chicago's West Side youth; and

WHEREAS, the Club is dedicated to making a difference in the lives of young people; and

WHEREAS, the 99th Annual Off the Street Club Holiday Luncheon will be held on Tuesday, December 7, 1999, at the Fairmont Hotel in Chicago, Illinois; and

WHEREAS, this year's luncheon theme is "Where Happy Endings Begin;"

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 1999, as OFF THE STREET CLUB DAY in Illinois.

Issued by the Governor October 12, 1999.

Filed by the Secretary of State October 19, 1999.

99-463

PEDIATRIC CANCER AWARENESS MONTH

WHEREAS, Pediatric Cancer is the number one cause of death by disease and has stricken over 43,500 of our children in just the last five years; and

WHEREAS, over 8,700 children are diagnosed yearly; and

WHEREAS, Pediatric Cancer is a national illness, yet few people know of these brave children struggling for just one more tomorrow; and

WHEREAS, Bear Necessities Pediatric Cancer Foundation has already raised well over \$2 million for Pediatric Cancer research and immediate needs of the affected children; and

WHEREAS, during the month of October, Bear Necessities Pediatric Cancer Foundation will brighten the lives of the children at the University of Chicago Children's Hospital's Pediatrics Oncology Department by delivering toys to them and stocking the now empty toy chest on the floor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as PEDIATRIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor October 12, 1999.

Filed by the Secretary of State October 19, 1999.

99-464

WHOLE LIFE EXPO DAYS

WHEREAS, the Whole Life Expo is returning to Illinois for its third year;

and WHEREAS, the convention offers attendees the latest products and services including herbal remedies, clothing, fine arts, fitness equipment and books; and

WHEREAS, the Whole Life Expo addresses the connection between body and mind in the relation to healthfulness, wellness and personal growth; and

WHEREAS, the exposition also offers the Whole Life Youth Challenge Program, which aims to give teens and their families an opportunity for transformation and to generate a positive change in their communications; and

WHEREAS, the Whole Life Expo will be held at the Rosemont Convention Center, promising to attract a record number of participants;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

October 15-17, 1999, as WHOLE LIFE EXPO DAYS in Illinois.

Issued by the Governor October 12, 1999.

Filed by the Secretary of State October 19, 1999.

99-465

WORLD FOOD DAY

WHEREAS, every year since 1981 government officials at all levels have given special attention to an annual worldwide endeavor to alleviate hunger and insure food security for all; and

WHEREAS, the U.S. National Committee for World Food Day and their 450 national sponsors are involved in planning World Food Day; and

WHEREAS, a World Food Day Teleconference will be held on October 15, 1999, with the theme to be "Tomorrow's Farmers: An Uncertain Future;" and

WHEREAS, the discussion will center around the problems and possibilities facing farmers here and around the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 16, 1999, as WORLD FOOD DAY in Illinois.

Issued by the Governor October 12, 1999.

Filed by the Secretary of State October 19, 1999.

99-466

COUNTRY MUSIC DAY

WHEREAS, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music, along with square and clog dancing in our state; and

WHEREAS, the ICMA believes in the entertainment of fans and the recognition of Illinois artists; and

WHEREAS, the ICMA is celebrating its 10th anniversary with a show and concert on October 17. During the show, the Illinois Country Music Entertainer of the Year, along with 31 other awards will be announced;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17, 1999, as COUNTRY MUSIC DAY in Illinois.

Issued by the Governor October 13, 1999.

Filed by the Secretary of State October 19, 1999.

99-467

LASALLE BANKS OF CHICAGO MARATHON WEEK

WHEREAS, the LaSalle Bank and more than two dozen other corporate sponsors have joined together to ensure the success of the 1999 LaSalle Banks Chicago Marathon; and

WHEREAS, a weekend full of activities, including the Humana Health and Fitness Expo, the Dominick's Youth Run, and the American Airlines International Fun Run are also scheduled for people of all ages; and

WHEREAS, over 5,000 will participate in the Bally Total Fitness B Fit 5K Run; and

WHEREAS, more than 22,000 marathoners are expected to run in the 22nd LaSalle Banks Chicago Marathon; and

WHEREAS, 6,500 volunteers will help Chicago's Police, Park District, Public Works and Streets and Sanitation Departments manage a great event; and

WHEREAS, over 750,000 people will line 26.2 miles of the city's streets to cheer in the marathons;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18-24, 1999, as LASALLE BANKS OF CHICAGO MARATHON WEEK in Illinois.

Issued by the Governor October 13, 1999.

Filed by the Secretary of State October 19, 1999.

99-468

ONE CHURCH ONE SCHOOL DAY

WHEREAS, after its founding in 1991 by Reverend Doctor Henry M. Williamson, Senior, One Church One School has met with striking success across the nation; and

WHEREAS, One Church One School Community Partnership is a non-denominational community organization that mobilizes churches, schools, businesses, governmental agencies, media and other community based organizations to enable improved educational and social outcomes for our children and youth; and

WHEREAS, the central theme to this collaboration is the teaching of "The Value of Life and the Value of Learning"; and

WHEREAS, One Church One School has been implanted throughout the Chicago Public Schools Interfaith Partnership Program; and

WHEREAS, One Church One School Community Partnership Program is celebrating its 5th Annual Midwest Regional Conference;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15, 1999, as ONE CHURCH ONE SCHOOL DAY in Illinois.

Issued by the Governor October 13, 1999.

Filed by the Secretary of State October 19, 1999.

99-469

ORA HIGGINS' YOUTH FOUNDATION DAY

WHEREAS, the Ora Higgins' Youth Foundation was founded in 1976 by Ora Higgins, a lady of great vision and dedication to the cause of higher education for academically gifted students; and

WHEREAS, the Foundation will present a \$1,000 Scholarship Award to each of 11 high school graduates pursuing post-secondary study at institutions of higher education; and

WHEREAS, the Foundation will present Leadership Awards to eight outstanding local professionals who have distinguished themselves through their contributions to the growth and development of today's urban youth; and

WHEREAS, the Foundation strives to convey to its annual Scholarship Award recipients that the elements of good-will, productive labor, mutual respects and law and order are the foundation upon which to establish and maintain a stable society; and

WHEREAS, the Foundation will commemorate the 23rd anniversary of its annual Scholarship Awards Dinner on Sunday, October 31, 1999, at the Lexington House in Hickory;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 31, 1999, as ORA HIGGINS' YOUTH FOUNDATION DAY in Illinois.

Issued by the Governor October 13, 1999.

Filed by the Secretary of State October 19, 1999.

99-470

SAFE SCHOOLS WEEK

WHEREAS, schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible, and productive citizens; and

WHEREAS, excellence in education is dependent on safe, secure, and peaceful school settings; and

WHEREAS, the safety and well-being of many students, teachers, and staff members are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, vandalism, and absenteeism in our schools; and

WHEREAS, it is the responsibility of all citizens to enhance the learning experiences of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make schools safe and secure; and

WHEREAS, all leaders, especially those in education, law enforcement, government and business, should eagerly collaborate with each other, the National School Safety Center, the U.S. Department of Education, and the U.S. Department of Justice, to identify, develop, and promote innovative solutions to these critical school safety issues; and

WHEREAS, numerous schools and school districts throughout the country, along with national programs are among those innovative solutions; and

WHEREAS, the observance of America's Safe Schools Week will substantially promote efforts to provide all of our nation's schools with positive and safe learning environments;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17-23, 1999, as SAFE SCHOOLS WEEK in Illinois.

Issued by the Governor October 13, 1999.

Filed by the Secretary of State October 19, 1999.

99-471

DAVE FELDMAN DAY

WHEREAS, Dave Feldman was born on the West Side of Chicago and drawn to horse racing at the age of 12 when his neighbor brought him to the racetrack; and

WHEREAS, later that year, his newspaper career began with a part-time job at the Chicago Herald-Examiner, and seemingly overnight when his career took off, a legacy was born; and

WHEREAS, for 14 years, he was President of a union that represents the owners and trainers of Chicago, followed by 32 years as the announcer at Sportsman's Park; and

WHEREAS, known for his tremendous skills as a writer, Mr. Feldman has even authored a novel titled Woulda, Coulda, Shoulda; and

WHEREAS, for the past 20 years, he has become a fixture in the Chicago sports scene as a writer for the Chicago Sun-Times; and

WHEREAS, Dave Feldman is a legendary character in a sport full of characters; and

WHEREAS, Dave Feldman will be honored on Sunday, October 10, for his contributions and dedication to the sport of horse racing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10, 1999, as DAVE FELDMAN DAY in Illinois.

Issued by the Governor October 14, 1999.
Filed by the Secretary of State October 19, 1999.

99-472

ECONOMIC AND ENTREPRENEURSHIP EDUCATION WEEK

WHEREAS, the future of our state and nation are highly dependent on the health and strength of our economy; and
WHEREAS, economic understanding and entrepreneurial skills for all citizens are essential to furthering a strong economy; and
WHEREAS, economic and entrepreneurship education prepare our youth to be effective participants in the economy of our communities, state, nation, and world; and

WHEREAS, economic and entrepreneurship education prepare our youth to be wise consumers, creative business owners, productive workers, prudent savers and investors, and knowledgeable voters in our economy; and
WHEREAS, the Illinois Council on Economic Education (ICEE) and the Illinois Institute for Entrepreneurship Education (IIEE) are the premier providers in the State of Illinois of economic and entrepreneurship education programs for citizens of all ages; and

WHEREAS, the Illinois Institute for Entrepreneurship Education and the Illinois Council on Economic Education accomplish their goals primarily through working with teachers and administrators to integrate the teaching of economics and entrepreneurship into the school curriculum K-12; and
WHEREAS, ICEE and IIEE represent strong partnerships between education, business, labor and government that offers a cost-efficient, effective educational process with proven and lasting impact;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 25-29, 1999, as ECONOMIC AND ENTREPRENEURSHIP EDUCATION WEEK in Illinois.

Issued by the Governor October 14, 1999.

Filed by the Secretary of State October 19, 1999.

99-473

FUTURES AND OPTIONS WEEK

WHEREAS, the City of Chicago is a world leader in futures and options trading; and

WHEREAS, Chicago has been a center of futures and options trading almost since the city's founding; and

WHEREAS, Chicago was the birthplace of financial futures and options, which have helped transform the global economy; and

WHEREAS, today, Chicago's futures and options exchanges are powerful forces of economic development, generating trillions of dollars in capital to Illinois and providing thousands of jobs; and

WHEREAS, Chicago's futures and options exchanges contribute tremendously to Illinois' reputation as a global financial center; and

WHEREAS, the Futures Industry Association, a professional group representing the futures and options industry for the 15th consecutive year will hold its Futures and Options Expo '99 in Chicago, Illinois, during the week of November 10, 1999; and

WHEREAS, the Futures and Options Expo is the largest futures industry

event in the world, with more than 4,000 trade participants from around the world in attendance;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10-12, 1999, as FUTURES AND OPTIONS WEEK in Illinois.

Issued by the Governor October 14, 1999.

Filed by the Secretary of State October 19, 1999.

99-474

LICENSED ENVIRONMENTAL HEALTH PRACTITIONERS MONTH

WHEREAS, the Illinois Environmental Health Association represents licensed environmental health practitioners in the State of Illinois; and
WHEREAS, licensed environmental health practitioners, who are trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and

WHEREAS, practitioners serving in industry and in the field of public health are concerned with the education and inspection necessary to maintain the safe processing and distribution of food, clean housing, vector control, radiological health, and minimum environmental pollution; and

WHEREAS, the Illinois Environmental Health Association will be holding its Annual Educational Conference October 13-14, 1999, in Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as LICENSED ENVIRONMENTAL HEALTH PRACTITIONERS MONTH in Illinois.

Issued by the Governor October 14, 1999.

Filed by the Secretary of State October 19, 1999.

99-475

SLOVENIAN DAY

WHEREAS, on October 23, 1999, Slovenians around the world will celebrate the 81st anniversary of the independence of their European homeland; and
WHEREAS, 1999 marks the 49th anniversary of the Slovenian Day Festival in Illinois; and

WHEREAS, Slovenian Day is a celebration of Slovenian artists, folklore, singing, dancing, and crafts; and

WHEREAS, thousands of Slovenian Americans have been living in Illinois for generations and have contributed much to the progress and development of the state; and
WHEREAS, a special Independence Day program will be shared by all Illinois citizens on October 23, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 23, 1999, SLOVENIAN DAY in Illinois.

Issued by the Governor October 14, 1999.

Filed by the Secretary of State October 19, 1999.

99-476

DONNA VONACHEN DAY

WHEREAS, Donna Vonachen, the "better half" of husband Pete Vonachen, has for 42 years been the most understanding wife in all of Peoria; and
WHEREAS, Donna Hurst Vonachen and Harold A. "Pete" Vonachen were married

on May 12, 1957; and

WHEREAS, Donna Vonachen is the devoted mother of Mary Michelle, Harold III, Gregory, Daniel and Mark; and

WHEREAS, Donna Vonachen has and continues to exhibit the best qualities that a mother and wife could exhibit: patience, humor, strength, wisdom and tenderness; and

WHEREAS, Donna Vonachen has for these many years "kept the home fires burning" while Pete has traveled around the state and the country cavorting with characters like Harry Caray, Jack Brickhouse, Jack Buck and others; and

WHEREAS, Donna Vonachen, for her devotion, grace and dedication to her family, friends and community should be honored and held in high esteem by all;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 1999, as DONNA VONACHEN DAY in Illinois.

Issued by the Governor October 18, 1999.

Filed by the Secretary of State October 25, 1999.

99-477

JOHNNIE COLEMON ACADEMY DAY

WHEREAS, the Johnnie Colemon Academy will open its doors on October 23, 1999, for a gala celebrating the new independent school on the south side of Chicago; and

WHEREAS, the Johnnie Colemon Academy will provide an enriched environment for learning through the development of academic success, specialized interests, and unique talents of all students; and

WHEREAS, students will learn in a safe and disciplined environment where hard work and honesty are the keys to a valuable education; and

WHEREAS, teachers will explore and implement innovative methods to challenge and motivate students toward academic excellence; and

WHEREAS, parents will be actively involved in the efforts of the school to educate their children; and

WHEREAS, Reverend Dr. Johnnie Colemon, an esteemed member of the clergy for 43 years, will be honored at the gala opening of the school; and

WHEREAS, the Johnnie Colemon Academy event will be held on October 23, 1999, in the Grand Ballroom of the Chicago Hyatt Regency Hotel;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 23, 1999, as JOHNNIE COLEMON ACADEMY DAY in Illinois.

Issued by the Governor October 18, 1999.

Filed by the Secretary of State October 25, 1999.

99-478

REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH

WHEREAS, Reflex Sympathetic Dystrophy Syndrome, also known as Complex Regional Pain Syndrome, affects more than six million Americans; and

WHEREAS, Reflex Sympathetic Dystrophy Syndrome (RSD) is an extremely painful neuro-muscular disease that is primarily characterized by intense, chronic, burning pain; and

WHEREAS, RSD results from an injury or trauma and can simultaneously affect the nerves, muscles, blood vessels, skin, joints and bones in progressively severe stages; and

WHEREAS, detection and treatment are vital to preventing the disabling effects of RSD, which in its most severe stages can result in total dysfunction of an extremity or the entire body; and

WHEREAS, in the State of Illinois there are thousands of men, women, children suffering from RSD; and

WHEREAS, the RSDCare Network of Illinois offers support and vital information to the victims of the disease and their loved ones; and

WHEREAS, the month of April marks a focused effort on behalf of the RSDCare Network of Illinois to increase the awareness of RSD in the hope of early diagnosis and treatment through information, support and comfort to those inflicted with RSD, their families and friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2000 as REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH in Illinois.

Issued by the Governor October 18, 1999.

Filed by the Secretary of State October 25, 1999.

99-479

CHRISTIAN HERITAGE WEEK

WHEREAS, the Preamble of the Constitution of the State of Illinois states that the People of the State of Illinois - grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors; and

WHEREAS, the Constitution of Illinois guarantees freedom of religious speech and worship to all citizens; and

WHEREAS, Illinois is richly blessed in natural beauty and natural resources, reflecting its natural beauty; and

WHEREAS, the week of Thanksgiving is an appropriate time to center attention on our thanks to God for His great and good providence and for the one's faith, which is part of Illinois' history;

THEREFORE, I, George H. Ryan, as Governor of the State of Illinois, proclaim November 21-27, 1999, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor October 20, 1999.

Filed by the Secretary of State October 25, 1999.

99-480

LANSING CHAMBER OF COMMERCE DAY

WHEREAS, in 1949, 12 Lansing businessmen officially organized and signed a letter that was sent to Lansing merchants calling attention to the services a business group could perform for the business community; and

WHEREAS, in 1957, the name of the Lansing Business Association was officially changed to the Lansing Chamber of Commerce; and

WHEREAS, the Chamber of Commerce is an organization of businesses and professionals who are working together to promote the commercial, financial, industrial, and civic interests of Lansing; and

WHEREAS, the Chamber is a civic clearinghouse and public relations representative at the local, state, and national levels of government; and

WHEREAS, the Chamber is involved in and sponsors many activities including a monthly Chamber newsletter, Board of Directors, coming events and outlining Chamber programs; and

WHEREAS, the 1999 Annual Community Ball being held on November 5th is a celebration of the 50 years of service to Lansing and being promoted as a birthday party;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, November 5, 1999, as LANSING CHAMBER OF COMMERCE DAY in Illinois.

Issued by the Governor October 20, 1999.

Filed by the Secretary of State October 25, 1999.

99-481

OLDER WORKERS' DAY

WHEREAS, in excess of 25 percent of the American population will be 50 years old or older in the year 2000; and
WHEREAS, more than 10 percent of the working population will be age 50 or older in the year 2000; and

WHEREAS, the number of workers age 50 and older will increase at a rate double that of the total labor force by the year 2000; and

WHEREAS, 55 percent of persons age 50 or older live in nine states including Illinois; and

WHEREAS, persons 50 years of age or older in the year 2000 will have an average life expectancy of 35 years; and

WHEREAS, 15 percent of this group are minorities and the percentage of females is approaching 50 percent, and there is a growing need for older females to have work opportunities; and

WHEREAS, the State of Illinois recognizes the importance and significance of these statistics and will encourage the employment of workers age 50 and older, recognizing the value of maintaining personal income as the population ages; and

WHEREAS, the Illinois Department on Aging, Public Health and Universities of the State of Illinois accept responsibility to examine and recommend public programs that seek to assist older workers to remain healthy and sufficiently well informed to remain productive and active as long as they are capable of doing so; and

WHEREAS, the Illinois Department on Aging and the University of Illinois School of Public Health are conducting a forum for Illinois employers to recognize the positive attributes of older workers and assist them to remain gainfully employed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 1999, as OLDER WORKERS' DAY in Illinois.

Issued by the Governor October 20, 1999.

Filed by the Secretary of State October 25, 1999.

Rules acted upon during the calendar quarter from Issue 43 through Issue 52 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or natalie@ccgate.sos.state.il.us (Internet address).

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